1933 TATE OF ILLINOIS

HENRY HORNER, Governor



ILLINOIS NURSING ACT

REGISTRATION and EDUCATION

Division of Registration

SPRINGFIELD, ILLINOIS



[Printed by authority of the State of Illinois]

STATE OF ILLINOIS

DEPARTMENT OF REGISTRATION and EDUCATION

JOHN J. HALLIHAN, Director

EUGENE R. SCHWARTZ, Superintendent of Registration 614.09 THE LIBRARY OF THE 1933 OUT 3

ILLINOIS INURSINGNOTET

Section 1. It is unlawful for any person to practice, or attempt to practice, nursing, as a registered nurse, without a certificate of registration as a registered nurse, issued by the Department of Registration and Education, pursuant to the provisions of an Act entitled, "An Act in relation to the civil administration of the State government, and to repeal certain Acts therein named," approved March 7, 1917, in force July 1, 1917.

APPLICANT

Sec. 2. A person is qualified to receive a certificate as a registered nurse:

(a) Who is at least twenty-one years of age;(b) Who is of good moral character and

temperate habits;

(c). Who has completed at least a one year's course of study in a high school or secondary school, approved by the Department of Registration and Education, or who has completed an equivalent course of study as determined by an examination conducted by the Department of Registration and Education;

(d) Who has completed a course of at least twenty-four months of study in a school of nursing, inspected and approved by the Depart-

ment of Registration and Education;

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his or her fitness to receive a certificate of registration as a registered nurse.

Sec. 3. Every person who desires to obtain a certificate of registration shall apply to the Department of Registration and Education, in writing, upon blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant, under oath, and shall be accompanied by the required fee.

Sec. 4. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered nurses at such times and places as it may determine

The examination of applicants for certificates of registration as registered nurses may include both practical demonstrations and written and oral tests, and shall embrace the subjects usually taught in schools of nursing approved by the Department of Registration and Education.

Sec. 5. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered nurse.

Any certificate of registration heretofore issued under the laws of this State, authorizing its holder to practice nursing as a registered nurse, shall serve the same purpose as the certificate of registration as a registered nurse provided for by this Act.

RENEWAL

Sec. 6. Every registered nurse who continues in active practice shall, annually, on or before the first day of April, renew his or her certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of April in any year shall expire on the first day of May in that year. A registered nurse whose certificate of registration has expired may renew his or her certificate of registration only upon payment of the required restoration fee.

Any registered nurse who retires from the practice of nursing for not more than five years may renew his or her certificate of registration upon payment of all lapsed fees.

REVOCATION

Sec. 7. The Department of Registration and Education may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration, for any, or any combination, of the following causes:

(a) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of, any Act which is now or which hereafter may be in force in this State relating to

the use of habit forming drugs;

(b) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of any Act which is now or which hereafter may be in force in this State relating to the practice of abortion;

(c) The obtaining of, or an attempt to obtain, a certificate of registration, or practice in the profession, or money, or any other thing

of value, by fraudulent representation;

(d) Gross negligence in the practice of nursing;

(e) Continued practice by a person knowingly having an infectious, communicable, or contraining discours.

contagious disease;

(f) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine, or other

habit forming drugs.

The Department of Registration and Education may neither refuse to issue, nor refuse to renew, nor suspend, nor revoke any certificate of registration, however, for any of these causes, unless the person accused has been given at least 20 days' notice, in writing, of the charge against him or her, and a public hearing by the Department of Registration and Education.

Upon the hearing of any such proceeding, the Director of Registration and Education, the Assistant Director of Registration and Education, or the Superintendent of Registration, may administer oaths, and the Department of Registration and Education may procure, by its subpoena, the attendance of witnesses and the production of relevant books and papers.

Any Circuit Court, or any judge of a Circuit Court, either in term time or in vacation, upon the application, either of the accused or of the Department of Registration and Education, may, by order fully entered, require the attendance of witnesses and the production of relevant books and papers, before the Department of Registration and Education, in any hearing relating to the refusal, suspension, or revocation of certificates of registration. Upon refusal or neglect to obey the order of the court or judge, the court or judge may compel, by proceedings for contempt of court, obedience of its or his order.

RECIPROCITY

Sec. 8. Upon payment of the required fee, an applicant who is a nurse, registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered nurse by the Department of Registration and Education, in its discretion, upon the following conditions:

(a) That the applicant is at least 22 years of age, of good moral character and temperate

habits; and,

(b) That the requirements for the registration or licensing of nurses in the particular state, territory, country or province, were, at the date of the license, substantially equal to the requirements then in force in this State. Sec. 9. The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration as a registered nurse is ten dollars (\$10.00).

The fee to be paid by an applicant for a certificate of registration as a registered nurse is

two dollars (\$2.00).

The fee to be paid upon the renewal of a certificate of registration is one dollar (\$1.00).

The fee to be paid by an applicant for an examination to determine his or her preliminary

education is two dollars (\$2.00).

The fee to be paid by an applicant for a certificate of registration who is a nurse registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, is twelve dollars (\$12.00).

The fee to be paid for the restoration of an expired certificate of registration as a regis-

tered nurse is two dollars (\$2.00).

ENFORCEMENT

Sec. 10. The Department of Registration and Education may adopt reasonable rules and regulations relating to the enforcement of the pro-

visions of this Act.

Sec. 11. Each of the following acts constitutes a misdemeanor, punishable upon conviction by a fine of not less than twenty-five dollars (\$25.00), nor more than two hundred dollars (\$200.00):

(a) The practice of nursing, or an attempt to practice nursing, as a registered nurse without a certificate of registration as a registered

nurse;

(b) The obtaining of, or an attempt to obtain, a certificate of registration, or practice in the profession, or money, or any other thing of value, by fraudulent representation;

(c) The making of any wilfully false oath or affirmation as required by this Act.

All fines and penalties shall inure to the Department of Registration and Education.

Sec. 12. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration. This record shall also contain the name, known place of business and residence, and the date and number of certificate of registration of every registered nurse in this State.

Sec. 13. An Act entitled "An Act to provide for the registration of nurses and to repeal a certain Act therein named," approved June 30, 1913, in force July 1, 1913, as amended, is repealed.

Sec. 14. This Act may be known and cited as "The Illinois Nursing Act."

GENERAL STATEMENT

The Fifty-first General Assembly revised the law in relation to the practice of nursing. (Laws of Illinois, 1919.)

It is unlawful for any person to practice, or attempt to practice, nursing as a registered nurse without a certificate of registration as a registered nurse, issued by the Department of Registration and Education.

The administrative provisions of the law are exercised by the Department of Registration and Education. The professional features of the law are exercised upon the action and report in writing of the Board of Nurse Examiners, consisting of five members appointed from time to time by the Director of the Department of Registration and Education. The

powers and duties of the Board in general are:—

(1) To recommend rules and regulations for conducting examinations.

(2) To conduct examinations to ascertain the qualifications and fitness of applicants for registration and pass upon the qualifications of applicants for reciprocal registration.

(3) To inspect and recommend approval

of schools of nursing.

(4) To recommend as to findings after hearing proceedings on revocations. Digitized by the Internet Archive in 2016 with funding from University of Illinois Urbana-Champaign



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ILLINOIS NURSING ACT

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DEPARTMENT OF

REGISTRATION AND EDUCATION

Division of Registration

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SPRINGFIELD

STATE OF ILLINOIS

DEPARTMENT OF

REGISTRATION AND EDUCATION

JOHN J. HALLIHAN, Director

HOMER J. BYRD Superintendent of Registration 614.09 Il63n 1935 cop.2

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ILLINOIS NURSING ACT

Section 1. It is unlawful for any person to practice, or attempt to practice, nursing, as a registered nurse, without a certificate of registration as a registered nurse, issued by the Department of Registration and Education, pursuant to the provisions of an Act entitled, "An Act in relation to the civil administration of the State government, and to repeal certain Acts therein named," approved March 7, 1917, in force July 1, 1917.

Sec. 1-a. The Department of Registration and Education shall exercise, but subject to the provisions of the Act, the following functions, powers and duties:

- 1. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- 2. Prescribe rules and regulations for a method of examination of candidates.
- 3. Prescribe rules and regulations defining what shall constitute a school, college or university or department of a university, or other institution, reputable and in good standing and to determine the reputability and good standing of a school, college or other institu-

tion reputable and in good standing by reference to a compliance with such rules and regulations; provided that no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

- 4. Adopt rules providing for and establishing a uniform and reasonable standard or maintenance, instruction, and training to be observed by all schools for nurses which are to be deemed reputable and in good standing and to determine the reputability and good standing of such schools for nurses by reference to compliance with such rules and regulations.
- 5. Establish a standard of preliminary education deemed requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by said school, college and universities.
- 6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to revoke or refuse to renew such licenses or certificates or authorities.
- 7. Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions, powers or duties enumerated shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Examining Committee which shall be composed of persons designated from time to time by the Director of Registration and Education

to take such action and to make such report for the profession involved herein, as follows:

Five (5) persons, each of whom is a registered nurse in this State and has been graduated for at least a period of five years, from a school for nurses in good standing, and, during the course of training, has served for two years in a general hospital and three of whom shall have had at least two years' experience in educational work among nurses,

The action or report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order reexaminations by the same or other examiners.

APPLICANT

- Sec. 2. A person is qualified to receive a certificate as a registered nurse:
 - (a) Who is at least twenty-one years of age;
- (b) Who is of good moral character and temperate habits:
- (c) Who has completed at least a one year's course of study in a high school or secondary school, approved by the Department of Registration and Education, or who has completed an equivalent course of study as determined by an examination conducted by the Department of Registration and Education:

- (d) Who has completed a course of at least twenty-four months of study in a school of nursing, inspected and approved by the Department of Registration and Education;
- (e) Who has passed an examination conducted by the Department of Registration and Education to determine his or her fitness to receive a certificate of registration as a registered nurse.
- Sec. 3. Every person who desires to obtain a certificate of registration shall apply to the Department of Registration and Education, in writing, upon blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant, under oath, and shall be accompanied by the required fee.
- Sec. 4. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered nurses at such times and places as it may determine.

The examination of applicants for certificates of registration as registered nurses may include both practical demonstrations and written and oral tests, and shall embrace the subjects usually taught in schools of nursing approved by the Department of Registration and Education.

Sec. 5. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered nurse.

Any certificate of registration heretofore issued under the laws of this State, authorizing its holder to practice nursing as a registered

nurse, shall serve the same purpose as the certificate of registration as a registered nurse provided for by this Act.

RENEWAL

Sec. 6. Every registered nurse who continues in active practice shall, annually, on or before the first day of April, renew his or her certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of April in any year shall expire on the first day of May in that year. A registered nurse whose certificate of registration has expired may renew his or her certificate of registration only upon payment of the required restoration fee.

Any registered nurse who retires from the practice of nursing for not more than five years may renew his or her certificate of registration upon payment of all lapsed fees.

REVOCATION

- Sec. 7. The Department of Registration and Education may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration, for any, or any combination of the following causes:
- (a) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of, any Act which is now or which hereafter may be in force in this State relating to the use of habit forming drugs;
- (b) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of any Act, which is now or which hereafter may be in force in this State relating to the practice of abortion;

- (c) The obtaining of, or an attempt to obtain a certificate of registration, or practice in the profession, or money, or any other thing of value by fraudulent representation;
- (d) Gross negligence in the practice of nursing;
- (e) Continued practice by a person knowingly having an infectious, communicable, or contagious disease;
- (f) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine, or other habit forming drugs.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate. The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony. evidence and argument as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearings from time to time. If the Committee shall not be sitting at the time and place fixed in the notice or at the time and place to which hearing shall have been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days.

Sec. 7-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Committee designated by the Director shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

Sec. 7-b. Any circuit or superior court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, suspension or revocation of certificate of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt.

Sec. 7-c. The Department, at its expense, shall provide a stenographer to take down the

testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words.

Sec. 7-d. The committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Sec. 7-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Committee designated by the Director.

Sec. 7-f. The circuit or superior court of the county wherein the accused person resides shall have power to review any order of revocation or suspension and all questions of law and fact thereon by writ of certiorari to the Department, provided that if the accused person is not a resident of this State and that the venue is not otherwise fixed herein, such venue shall be in the Sangamon County.

Such writ shall be issued by the Clerk of the Court upon praccipe and it shall be served at least ten days before the return day thereof. Service upon the Director, Assistant Director, or Superintendent of Registration shall be service on the Department. Such suit shall be commenced within twenty days of the accused person's receipt of notice of the order of refusal, revocation or suspension. The Department shall not be required to certify the record of its proceedings unless the accused person shall first pay to it the sum of five cents per one hundred words of such record. Exhibits shall be certified without cost.

No department order of suspension or revocation shall be set aside or vacated on any ground not specified in the written motion for rehearing provided in this Act.

Sec. 7-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

- 1. Such signature is the genuine signature of the Director.
- 2. That such Director is duly appointed and qualified.
- 3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. Such order of revocation or suspension shall be conclusive proof that all precedent and concurrent acts of department officers and of the Committee necessary to the validity of such order were pursuant to authority conferred by the Director.

Sec. 7-h. Appeals from all final orders and judgments entered by a circuit or superior court in review of an order of the Department may be taken directly to the Supreme Court by either party to the action within sixty days after service of a copy of the order or judgment of the circuit or superior court, and shall be governed by the rules applying to other civil cases appealed to said Supreme Court, except that formal pleadings shall not be required.

Sec. 7-i. The pendency of an appeal or writ of certiorari shall not of itself stay or suspend the operation of an order of revocation or suspension; but during the pendency of such suit or appeal, the circuit or superior court or the Supreme Court, as the case may be, in its discretion, may stay the operation of such order in whole or in part upon such terms and conditions as the court may prescribe.

No such stay shall be granted by the court otherwise than upon ten days notice to the Department and after a hearing.

RECIPROCITY

Sec. 8. Upon payment of the required fee, an applicant who is a nurse, registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered nurse by the Department of Registration and Education, in its discretion, upon the following conditions:

- (a) That the applicant is at least twentytwo years of age, of good moral character and temperate habits; and
- (b) That the requirements for the registration or licensing of nurses in the particular state, territory, country or province, were, at the date of the license, substantially equal to the requirements then in force in this State.

FEES

Sec. 9. The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration as a registered nurse is ten dollars (\$10.00).

The fee to be paid by an applicant for a certificate of registration as a registered nurse is two dollars (\$2.00).

The fee to be paid upon the renewal of a certificate of registration is one dollar (\$1.00).

The fee to be paid by an applicant for an examination to determine his or her preliminary education is two dollars (\$2.00).

The fee to be paid by an applicant for a certificate of registration who is a nurse registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, is twelve dollars (\$12.00).

The fee to be paid for the restoration of an expired certificate of registration as a registered nurse is two dollars (\$2.00).

ENFORCEMENT

Sec. 10. Repealed by Act approved July 10, 1935.

Sec. 11. Each of the following acts constitutes a misdemeanor, punishable upon conviction by a fine of not less than twenty-five

dollars (\$25.00), nor more than two hundred dollars (\$200.00):

- (a) The practice of nursing, or an attempt to practice nursing, as a registered nurse without a certificate of registration as a registered nurse;
- (b) The obtaining of, or an attempt to obtain, a certificate of registration, or practice in the profession, or money, or any other thing of value, by fraudulent representation;
- (c) The making of any wilfully false oath or affirmation as required by this Act.

All fines and penalties shall inure to the Department of Registration and Education.

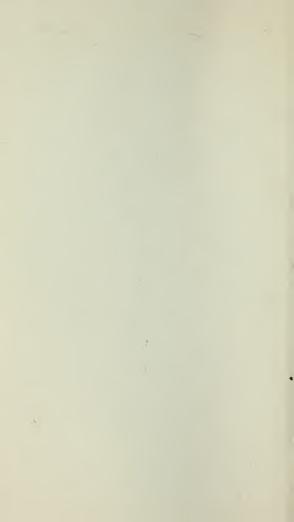
- Sec. 12. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration. This record shall also contain the name, known place of business and residence, and the date and number of certificate of registration of every registered nurse in this State.
- Sec. 13. An Act entitled "An Act to provide for the registration of nurses and to repeal a certain Act therein named," approved June 30, 1913, in force July 1, 1913, as amended, is repealed.
- Sec. 14. This Act may be known and cited as "The Illinois Nursing Act."

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STATE OF ILLINOIS HENRY HORNER, Governor

DEPARTMENT OF

REGISTRATION AND EDUCATION

JOHN J. HALLIHAN Director



ILLINOIS NURSING ACT

1937

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SPRINGFIELD

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DIVISION OF REGISTRATION

HOMER J. BYRD Superintendent 614.09. Il632

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An Act to revise the law in relation to the regulation of the practice of nursing, approved June 19, 1919, as amended July 10, 1935, and July 9, 1937.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. It is unlawful for any person to practice, or attempt to practice, nursing, as a registered nurse, without a certificate of registration as a registered nurse, issued by the Department of Registration and Education, pursuant to the provisions of an Act entitled, "An Act in relation to the civil administration of the State government, and to repeal certain Acts therein named," approved March 7, 1917, in force July 1, 1917.

Sec. 1-a. The Department of Registration and Education shall exercise, but subject to the provisions of the Act, the following functions, powers and duties:

- 1. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- 2. Prescribe rules and regulations for a method of examination of candidates.
- 3. Prescribe rules and regulations defining what shall constitute a school, college or university or department of a university, or other institution, reputable and in good standing and to determine the reputability and good standing of a school, college or other institu-

tion reputable and in good standing by reference to a compliance with such rules and regulations; provided that no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

- 4. Adopt rules providing for and establishing a uniform and reasonable standard of maintenance, instruction, and training to be observed by all schools for nurses which are to be deemed reputable and in good standing and to determine the reputability and good standing of such schools for nurses by reference to compliance with such rules and regulations.
- 5. Establish a standard of preliminary education deemed requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by said school, colleges and universities.
- 6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to revoke or refuse to renew such licenses or certificates or authorities.
- 7. Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions, powers or duties enumerated shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Examining Committee which shall be composed of persons designated from time to time by the Director of Registration and Education

to take such action and to make such report for the profession involved herein, as follows:

Five (5) persons, each of whom is a registered nurse in this State and has been graduated for at least a period of five years, from a school for nurses in good standing, and, during the course of training, has served for two years in a general hospital and three of whom shall have had at least two years' experience in educational work among nurses.

The action or report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order reexaminations by the same or other examiners. (Added by Act approved July 10, 1935.)

APPLICANT

- Sec. 2. A person is qualified to receive a certificate as a registered nurse:
- (a) Who is at least twenty-one years of age;
- (b) Who is of good moral character and temperate habits;
- (c) Who has graduated from a high school or secondary school, approved by the Department of Registration and Education, or who has completed an equivalent course of study as determined by an examination conducted

by the Department of Registration and Education; Provided, however, that any person presenting a qualifying certificate heretofore issued under this Act shall be deemed to have completed an equivalent course of study as provided in this Section;

- (d) Who has completed a course of study of at least three years in a school of nursing, inspected and approved by the Department of Registration and Education;
- (e) Who has passed an examination conducted by the Department of Registration and Education to determine his or her fitness to receive a certificate of registration as a registered nurse. (As amended by Act approved July 9, 1937.)
- Sec. 3. Every person who desires to obtain a certificate of registration shall apply to the Department of Registration and Education, in writing, upon blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant, under oath, and shall be accompanied by the required fee.
- Sec. 4. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered nurses at such times and places as it may determine.

The examination of applicants for certificates of registration as registered nurses may include both practical demonstrations and written and oral tests, and shall embrace the subjects usually taught in schools of nursing approved by the Department of Registration and Education.

Sec. 5. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered nurse.

Any certificate of registration heretofore issued under the laws of this State, authorizing its holder to practice nursing as a registered nurse, shall serve the same purpose as the certificate of registration as a registered nurse provided for by this Act.

RENEWAL

Sec. 6. Every registered nurse who continues in active practice shall, annually, on or before the first day of April, renew his or her certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of April in any year shall expire on the first day of May in that year. A registered nurse whose certificate of registration has expired may renew his or her certificate of registration only upon payment of the required restoration fee.

Any registered nurse who retires from the practice of nursing for not more than five years may renew his or her certificate of registration upon payment of all lapsed fees.

REVOCATION

- Sec. 7. The Department of Registration and Education may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration, for any, or any combination of the following causes:
- (a) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of, any Act which is now or which

hereafter may be in force in this State relating to the use of habit forming drugs;

- (b) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of any Act, which is now or which hereafter may be in force in this State relating to the practice of abortion;
- (c) The obtaining of, or an attempt to obtain a certificate of registration, or practice in the profession, or money, or any other thing of value by fraudulent representation;
- (d) Gross negligence in the practice of nursing;
- (e) Continued practice by a person knowingly having an infectious, communicable, or contagious disease;
- (f) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine, or other habit forming drugs.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate. The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by registered mail to

the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearings from time to time. If the Committee shall not be sitting at the time and place fixed in the notice or at the time and place to which hearing shall have been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days. (As amended by Act approved July 10, 1935.)

Sec. 7-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Committee designated by the Director shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by Act approved July 10, 1935.)

Sec. 7-b. Any circuit or superior court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, suspension or revocation of certificate of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

Sec. 7-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

Sec. 7-d. The committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular

grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days. (Added by Act approved July 10, 1935.)

Sec. 7-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Committee designated by the Director. (Added by Act approved July 10, 1935.)

Sec. 7-f. The circuit or superior court of the county wherein the accused person resides shall have power to review any order of revocation or suspension and all questions of law and fact thereon by writ of certiorari to the Department, provided that if the accused person is not a resident of this State and that the venue is not otherwise fixed herein, such venue shall be in the Sangamon County.

Such writ shall be issued by the Clerk of the Court upon praccipe and it shall be served at least ten days before the return day thereof. Service upon the Director, Assistant Director, or Superintendent of Registration shall be service on the Department. Such suit shall be commenced within twenty days of the accused person's receipt of notice of the order of refusal, revocation or suspension. The Department shall not be required to certify the record of its proceedings unless the accused person shall first pay to it the sum of five cents per one hundred words of such record. Exhibits shall be certified without cost.

No department order of suspension or revocation shall be set aside or vacated on any ground not specified in the written motion for rehearing provided in this Act. (Added by Act approved July 10, 1935.)

Sec. 7-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

- 1. Such signature is the genuine signature of the Director.
- 2. That such Director is duly appointed and qualified,
- 3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. Such order of revocation or suspension shall be conclusive proof that all precedent and concurrent acts of department officers and of the Committee necessary to the validity of such order were pursuant to authority conferred by the Director. (Added by Act approved July 10, 1935.)

Sec. 7-h. Appeals from all final orders and judgments entered by a circuit or superior court in review of an order of the Department may be taken directly to the Supreme Court by either party to the action within sixty days after service of a copy of the order or judgment of the circuit or superior court, and shall be governed by the rules applying to other civil cases appealed to said Supreme Court, except that formal pleadings shall not be required. (Added by Act approved July 10, 1935.)

Sec. 7-i. The pendency of an appeal or writ of certiorari shall not of itself stay or suspend the operation of an order of revocation or suspension; but during the pendency of such suit or appeal, the circuit or superior court or the

Supreme Court, as the case may be, in its discretion, may stay the operation of such order in whole or in part upon such terms and conditions as the court may prescribe.

No such stay shall be granted by the court otherwise than upon ten days notice to the Department and after a hearing. (Added by Act approved July 10, 1935.)

RECIPROCITY

- Sec. 8. Upon payment of the required fee, an applicant who is a nurse, registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered nurse by the Department of Registration and Education, in its discretion, upon the following conditions:
- (a) That the applicant is at least twenty-two years of age, of good moral character and temperate habits; and
- (b) That the requirements for the registration or licensing of nurses in the particular state, territory, country or province, were, at the date of the license, substantially equal to the requirements then in force in this State.

FEES

Sec. 9. The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration as a registered nurse is ten dollars (\$10.00).

The fee to be paid by an applicant for a certificate of registration as a registered nurse is two dollars (\$2.00).

The fee to be paid upon the renewal of a certificate of registration is one dollar (\$1.00).

The fee to be paid by an applicant for an examination to determine his or her preliminary education is two dollars (\$2.00).

The fee to be paid by an applicant for a certificate of registration who is a nurse registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, is twelve dollars (\$12.00).

The fee to be paid for the restoration of an expired certificate of registration as a registered nurse is two dollars (\$2.00).

ENFORCEMENT

Sec. 10. Repealed by Act approved July 10, 1935.

Sec. 11. Each of the following acts constitutes a misdemeanor, punishable upon conviction by a fine of not less than twenty-five dollars (\$25.00), nor more than two hundred dollars (\$200.00):

- (a) The practice of nursing, or an attempt to practice nursing as a registered nurse without a certificate of registration as a registered nurse;
- (b) The obtaining of, or an attempt to obtain, a certificate of registration, or practice in the profession, or money, or any other thing of value, by fraudulent representation;
- (c) The making of any wilfully false oath or affirmation as required by this Act.

All fines and penalties shall inure to the Department of Registration and Education.

Sec. 12. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration. This record shall also contain the name, known place of business and residence, and the date and number of certificate of registration of every registered nurse in this State.

Sec. 13. An Act entitled "An Act to provide for the registration of nurses and to repeal a certain Act therein named," approved June 30, 1913, in force July 1, 1913, as amended, is repealed.

Sec. 14. This Act may be known and cited as "The Illinois Nursing Act."

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DEPARTMENT OF

REGISTRATION AND EDUCATION

JOHN J. HALLIHAN Director

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ILLINOIS NURSING ACT

(As Amended)

SPRINGFIELD

(Printed by authority of the State of Illinois)

DIVISION OF REGISTRATION

LUCIEN A. FILE Acting Supt.

JAN 27 1940 UNIVERSITY OF ILLINOIS

An Act to revise the law in relation to the regulation of the practice of nursing, approved June 19, 1919, as amended July 10, 1935, July 9, 1937, and July 13, 1939.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. It is unlawful for any person to practice, or attempt to practice, nursing, as a registered nurse, without a certificate of registration as a registered nurse, issued by the Department of Registration and Education, pursuant to the provisions of an Act entitled, "An Act in relation to the civil administration of the State government, and to repeal certain Acts therein named," approved March 7, 1917, in force July 1, 1917.

Sec. 1-a. The Department of Registration and Education shall exercise, but subject to the provisions of the Act, the following functions, powers and duties:

- 1. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- 2. Prescribe rules and regulations for a method of examination of candidates.
- 3. Prescribe rules and regulations defining what shall constitute a school, college or university or department of a university, or other institution, reputable and in good standing and to determine the reputability and good standing of a school, college or other institu-

tion reputable and in good standing by reference to a compliance with such rules and regulations; provided that no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

- 4. Adopt rules providing for and establishing a uniform and reasonable standard of maintenance, instruction, and training to be observed by all schools for nurses which are to be deemed reputable and in good standing and to determine the reputability and good standing of such schools for nurses by reference to compliance with such rules and regulations.
- 5. Establish a standard of preliminary education deemed requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by said school, colleges and universities.
- 6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to revoke or refuse to renew such licenses or certificates or authorities.
- 7. Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions, powers or duties enumerated shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Examining Committee which shall be composed of persons designated from time to time by the Director of Registration and Education

to take such action and to make such report for the profession involved herein, as follows:

Five (5) persons, each of whom is a registered nurse in this State and has been graduated for at least a period of five years, from a school for nurses in good standing, and, during the course of training, has served for two years in a general hospital and three of whom shall have had at least two years' experience in educational work among nurses.

The action or report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order reexaminations by the same or other examiners. (Added by Act approved July 10, 1935.)

APPLICANT

- Sec. 2. A person is qualified to receive a certificate as a registered nurse:
- (a) Who is at least twenty-one years of age;
- (b) Who is of good moral character and temperate habits;
- (c) Who has graduated from a high school or secondary school, approved by the Department of Registration and Education, or who has completed an equivalent course of study as determined by an examination conducted

by the Department of Registration and Education; Provided, however, that any person presenting a qualifying certificate heretofore issued under this Act shall be deemed to have completed an equivalent course of study as provided in this Section;

- (d) Who has completed a course of study of at least three years in a school of nursing, inspected and approved by the Department of Registration and Education;
- (e) Who has passed an examination conducted by the Department of Registration and Education to determine his or her fitness to receive a certificate of registration as a registered nurse.
- (f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen or who, having made such declaration of intention, has filed a petition for naturalization within thirty days after becoming eligible to do so. (As amended by Act approved July 13, 1939.)
- Sec. 3. Every person who desires to obtain a certificate of registration shall apply to the Department of Registration and Education, in writing, upon blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant, under oath, and shall be accompanied by the required fee.
- Sec. 4. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered nurses at such times and places as it may determine.

The examination of applicants for certificates of registration as registered nurses may include both practical demonstrations and written and oral tests, and shall embrace the subjects usually taught in schools of nursing approved by the Department of Registration and Education.

Sec. 5. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered nurse.

Any certificate of registration heretofore issued under the laws of this State, authorizing its holder to practice nursing, as a registered nurse, shall serve the same purpose as the certificate of registration as a registered nurse provided for by this Act.

RENEWAL

Sec. 6. Every registered nurse who continues in active practice shall, annually, on or before the first day of April, renew his or her certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of April in any year shall expire on the first day of May in that year. A registered nurse whose certificate of registration has expired may renew his or her certificate of registration only upon payment of the required restoration fee.

Any registered nurse who retires from the practice of nursing for not more than five years may renew his or her certificate of registration upon payment of all lapsed fees.

REVOCATION

Sec. 7. The Department of Registration and Education may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration, for any, or any combination of the following causes:

- (a) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of, any Act which is now or which hereafter may be in force in this State relating to the use of habit forming drugs:
- (b) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of any Act, which is now or which hereafter may be in force in this State relating to the practice of abortion;
- (c) The obtaining of, or an attempt to obtain a certificate of registration, or practice in the profession, or money, or any other thing of value by fraudulent representation;
- (d) Gross negligence in the practice of nursing;
- (e) Continued practice by a person knowingly having an infectious, communicable, or contagious disease;
- (f) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine, or other habit forming drugs.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate. The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the

holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Committee designated by the Director of Registration and Education. as provided in this Act, shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearings from time to time. the Committee shall not be sitting at the time and place fixed in the notice or at the time and place to which hearing shall have been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days. (As amended by Act approved July 10, 1935.)

Sec. 7-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Committee designated by the Director shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act admin-

istered by the Department. (Added by Act approved July 10, 1935.)

Sec. 7-b. Any circuit or superior court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, suspension or revocation of certificate of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

Sec. 7-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

Sec. 7-d. The committee shall present to the Director its written report of its findings and

recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days. (Added by Act approved July 10, 1935.)

Sec. 7-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Committee designated by the Director. (Added by Act approved July 10, 1935.)

Sec. 7-f. The circuit or superior court of the county wherein the accused person resides shall have power to review any order of revocation or suspension and all questions of law and fact thereon by writ of certiorari to the Department, provided that if the accused person is not a resident of this State and that the venue is not otherwise fixed herein, such venue shall be in the Sangamon County.

Such writ shall be issued by the Clerk of the Court upon praccipe and it shall be served at least ten days before the return day thereof. Service upon the Director, Assistant Director, or Superintendent of Registration shall be service on the Department. Such suit shall be commenced within twenty days of the accused person's receipt of notice of the order of refusal, revocation or suspension. The Depart-

ment shall not be required to certify the record of its proceedings unless the accused person shall first pay to it the sum of five cents per one hundred words of such record. Exhibits shall be certified without cost.

No department order of suspension or revocation shall be set aside or vacated on any ground not specified in the written motion for rehearing provided in this Act. (Added by Act approved July 10, 1935.)

Sec. 7-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

- 1. Such signature is the genuine signature of the Director.
- 2. That such Director is duly appointed and qualified.

Such proof may be rebutted. Such order of revocation or suspension shall be conclusive proof that all precedent and concurrent acts of department officers and of the Committee necessary to the validity of such order were pursuant to authority conferred by the Director. (Added by Act approved July 10, 1935.)

Sec. 7-h. Appeals from all final orders and judgments entered by a circuit or superior court in review of an order of the Department may be taken directly to the Supreme Court by either party to the action within sixty days after service of a copy of the order or judgment of the circuit or superior court, and shall be governed by the rules applying to other civil cases appealed to said Supreme Court, except

that formal pleadings shall not be required. (Added by Act approved July 10, 1935.)

Sec. 7-i. The pendency of an appeal or writ of certiorari shall not of itself stay or suspend the operation of an order of revocation or suspension; but during the pendency of such suit or appeal, the circuit or superior court or the Supreme Court, as the case may be, in its discretion, may stay the operation of such order in whole or in part upon such terms and conditions as the court may prescribe.

No such stay shall be granted by the court otherwise than upon ten days notice to the Department and after a hearing. (Added by Act approved July 10, 1935.)

RECIPROCITY

- Sec. 8. Upon payment of the required fee, an applicant who is a nurse, registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered nurse by the Department of Registration and Education, in its discretion, upon the following conditions:
- (a) That the applicant is at least twenty-two years of age, of good moral character and temperate habits; and
- (b) That the requirements for the registration or licensing of nurses in the particular state, territory, country or province, were, at the date of the license, substantially equal to the requirements then in force in this State.

FEES

Sec. 9. The fee to be paid by an applicant for an examination to determine his or her fit-

ness to receive a certificate of registration as a registered nurse is ten dollars (\$10.00).

The fee to be paid by an applicant for a certificate of registration as a registered nurse is two dollars (\$2.00).

The fee to be paid upon the renewal of a certificate of registration is one dollar (\$1.00).

The fee to be paid by an applicant for an examination to determine his or her preliminary education is two dollars (\$2.00).

The fee to be paid by an applicant for a certificate of registration who is a nurse registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, is twelve dollars (\$12.00).

The fee to be paid for the restoration of an expired certificate of registration as a registered nurse is two dollars (\$2.00).

PENAL PROVISIONS

Sec. 10. Repealed by Act approved July 10, 1935.

Sec. 11. Each of the following acts constitutes a misdemeanor, punishable upon conviction by a fine of not less than twenty-five dollars (\$25.00), nor more than two hundred dollars (\$200.00):

- (a) The practice of nursing, or an attempt to practice nursing as a registered nurse without a certificate of registration as a registered nurse;
- (b) The obtaining of, or an attempt to obtain, a certificate of registration, or practice in the profession, or money, or any other thing of value, by fraudulent representation;

(c) The making of any wilfully false oath or affirmation as required by this Act.

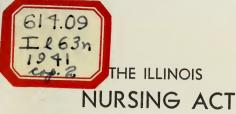
All fines and penalties shall inure to the Department of Registration and Education.

Sec. 12. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration. This record shall also contain the name, known place of business and residence, and the date and number of certificate of registration of every registered nurse in this State.

Sec. 13. An Act entitled "An Act to provide for the registration of nurses and to repeal a certain Act therein named," approved June 30, 1913, in force July 1, 1913, as amended, is repealed.

Sec. 14. This Act may be known and cited as "The Illinois Nursing Act."

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DEPARTMENT OF
REGISTRATION AND EDUCATION
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Director

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AN ACT to revise the law in relation to the regulation of the practice of nursing, approved June 19, 1919, as amended July 10, 1935. July 9, 1937, July 13, 1939, and July 18, 1941.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. It is unlawful for any person to practice, or attempt to practice, nursing, as a registered nurse, without a certificate of registration as a registered nurse, issued by the Department of Registration and Education, pursuant to the provisions of an Act entitled. "An Act in relation to the civil administration of the State government, and to repeal certain Acts therein named," approved March 7, 1917, in force July 1, 1917.

Sec. 1-a. The Department of Registration and

- Education shall exercise, but subject to the provisions of the Act, the following functions, powers and duties:

 1. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

 2. Prescribe rules and regulations for a property of candidates.
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- 29 5 H. dir. 3. Prescribe rules and regulations defining what shall constitute a school, college or university or department of a university, or other institution, reputable and in good standing and to determine the reputability and good standing of a school, college or other institu-

tion reputable and in good standing by reference to a compliance with such rules and regulations; provided that no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

- 4. Adopt rules providing for and establishing a uniform and reasonable standard of maintenance, instruction, and training to be observed by all schools for nurses which are to be deemed reputable and in good standing and to determine the reputability and good standing of such schools for nurses by reference to compliance with such rules and regulations.
- 5. Establish a standard of preliminary education deemed requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by said school, colleges and universities.
- 6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to revoke or refuse to renew such licenses or certificates or authorities.
- 7. Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions, powers or duties enumerated shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Examining Committee which shall be composed of persons designated from time to time by the Director of Registration and Education

to take such action and to make such report for the profession involved herein, as follows:

Five (5) persons, each of whom is a registered nurse in this State and has been graduated for at least a period of five years, from a school for nurses in good standing, and, during the course of training, has served for two years in a general hospital and three of whom shall have had at least two years' experience in educational work among nurses.

The action or report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order reexaminations by the same or other examiners. (Added by Act approved July 10, 1935.)

- Sec. 2. A person is qualified to receive a certificate as a registered nurse:
- (a) Who is at least twenty-one years of age;
- (b) Who is of good moral character and temperate habits;
- (c) Who has graduated from a high school or secondary school, approved by the Department of Registration and Education, or who has completed an equivalent course of study as determined by an examination conducted

by the Department of Registration and Education; Provided, however, that any person presenting a qualifying certificate heretofore issued under this Act shall be deemed to have completed an equivalent course of study as provided in this Section;

- (d) Who has completed a course of study of at least three years in a school of nursing, inspected and approved by the Department of Registration and Education;
- (e) Who has passed an examination conducted by the Department of Registration and Education to determine his or her fitness to receive a certificate of registration as a registered nurse.
- (f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen or who, having made such declaration of intention, has filed a petition for naturalization within thirty days after becoming eligible to do so. (As amended by Act approved July 13, 1939.)
- Sec. 3. Every person who desires to obtain a certificate of registration shall apply to the Department of Registration and Education, in writing, upon blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant, under oath, and shall be accompanied by the required fee.
- Sec. 4. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered nurses at such times and places as it may determine.

The examination of applicants for certificates of registration as registered nurses may include both practical demonstrations and written and oral tests and shall embrace the subjects usually taught in schools of nursing, approved by the Department of Registration and Education.

Sec. 5. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered nurse.

Any certificate of registration heretofore issued under the laws of this State authorizing its holder to practice nursing, as a registered nurse, shall serve the same purpose as the certificate of registration as a registered nurse provided for by this Act.

Sec. 6. Every registered nurse who continues in active practice shall, annually, on or before the first day of April, renew his or her certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of April in any year shall expire on the first day of May in that year. A registered nurse whose certificate of registration has expired may renew his or her certificate of registration only upon payment of the required restoration fee.

Any registered nurse who retires from the practice of nursing for not more than five years may renew his or her certificate of registration upon payment of all lapsed fees. However, any registered nurse whose certificate of registration has expired while he or she has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, or the State Militia called into the service or training of the United States of America.

- or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her certificate of registration restored without paying any lapsed renewal fees or restoration fee if within one year after termination of such service, training or education other than by dishonorable discharge he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training or education has been so terminated. (As amended by Act approved July 18, 1941.)
- Sec. 7. The Department of Registration and Education may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration, for any, or any combination of the following causes:
- (a) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of, any Act which is now or which hereafter may be in force in this State relating to the use of habit forming drugs;
- (b) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of any Act, which is now or which hereafter may be in force in this State relating to the practice of abortion;
- (c) The obtaining of, or an attempt to obtain a certificate of registration, or practice in the profession, or money, or any other thing of value by fraudulent representation;
- (d) Gross negligence in the practice of nursing:
- (e) Continued practice by a person knowingly having an infectious, communicable, or contagious disease;

(f) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine, or other habit forming drugs.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal. suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate. The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearings from time to time. If the Committee shall not be sitting at the time and place fixed in the notice or at the time and place to which hearing shall have been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days. (As amended by Act approved July 10, 1935.)

Sec. 7-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Committee designated by the Director shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by Act approved July 10, 1935.)

Sec. 7-b. Any circuit or superior court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, suspension or revocation of certificate of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

Sec. 7-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of

such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

Sec. 7-d. The committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days. (Added by Act approved July 10, 1935.)

Sec. 7-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Committee designated by the Director. (Added by Act approved July 10, 1935.)

Sec. 7-f. The circuit or superior court of the county wherein the accused person resides shall have power to review any order of revocation or suspension and all questions of law

and fact thereon by writ of certiorari to the Department, provided that if the accused person is not a resident of this State and that the venue is not otherwise fixed herein, such venue shall be in the Sangamon County.

Such writ shall be issued by the Clerk of the Court upon praccipe and it shall be served at least ten days before the return day thereof. Service upon the Director, Assistant Director, or Superintendent of Registration shall be service on the Department. Such suit shall be commenced within twenty days of the accused person's receipt of notice of the order of refusal, revocation or suspension. The Department shall not be required to certify the record of its proceedings unless the accused person shall first pay to it the sum of five cents per one hundred words of such record. Exhibits shall be certified without cost.

No department order of suspension or revocation shall be set aside or vacated on any ground not specified in the written motion for rehearing provided in this Act. (Added by Act approved July 10, 1935.)

Sec. 7-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

- 1. Such signature is the genuine signature of the Director.
- 2. That such Director is duly appointed and qualified.
- 3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. Such order of revocation or suspension shall be conclusive

proof that all precedent and concurrent acts of department officers and of the Committee necessary to the validity of such order were pursuant to authority conferred by the Director. (Added by Act approved July 10, 1935.)

Sec. 7-h. Appeals from all final orders and judgments entered by a circuit or superior court in review of an order of the Department may be taken directly to the Supreme Court by either party to the action within sixty days after service of a copy of the order or judgment of the circuit or superior court, and shall be governed by the rules applying to other civil cases appealed to said Supreme Court, except that formal pleadings shall not be required. (Added by Act approved July 10, 1935.)

Sec. 7-i. The pendency of an appeal or writ of certiorari shall not of itself stay or suspend the operation of an order of revocation or suspension; but during the pendency of such suit or appeal, the circuit or superior court or the Supreme Court, as the case may be, in its discretion, may stay the operation of such order in whole or in part upon such terms and conditions as the court may prescribe.

No such stay shall be granted by the court otherwise than upon ten days notice to the Department and after a hearing. (Added by Act approved July 10, 1935.)

Sec. 8. Upon payment of the required fee, an applicant who is a nurse, registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province may, without examination, be granted a certificate of registration as a registered nurse by the Department of Registration and Education, in its discretion, upon the following conditions:

- (a) That the applicant is at least twentytwo years of age, of good moral character and temperate habits; and
- (b) That the requirements for the registration or licensing of nurses in the particular state, territory, country or province, were, at the date of the license, substantially equal to the requirements then in force in this State.
- Sec. 9. The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration as a registered nurse is ten dollars (\$10.00).

The fee to be paid by an applicant for a certificate of registration as a registered nurse is two dollars (\$2.00).

The fee to be paid upon the renewal of a certificate of registration is one dollar (\$1.00).

The fee to be paid by an applicant for an examination to determine his or her preliminary education is two dollars (\$2.00).

The fee to be paid by an applicant for a certificate of registration who is a nurse registered or licensed under the laws of another state or territory of the United States or of a foreign country or province is twelve dollars (\$12.00).

The fee to be paid for the restoration of an expired certificate of registration as a registered nurse is two dollars (\$2.00).

Sec. 10. Repealed by Act approved July 10, 1935.

Sec. 11. Each of the following acts constitutes a misdemeanor, punishable upon conviction by a fine of not less than twenty-five dollars (\$25.00), nor more than two hundred dollars (\$200.00):

- (a) The practice of nursing, or an attempt to practice nursing as a registered nurse without a certificate of registration as a registered nurse;
- (b) The obtaining of, or an attempt to obtain, a certificate of registration, or practice in the profession, or money, or any other thing of value, by fraudulent representation;
- (c) The making of any wilfully false oath or affirmation as required by this Act.
- All fines and penalties shall inure to the Department of Registration and Education.
- Sec. 12. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration. This record shall also contain the name, known place of business and residence, and the date and number of certificate of registration of every registered nurse in this State.
- Sec. 13. An Act entitled "An Act to provide for the registration of nurses and to repeal a certain Act therein named," approved June 30, 1913, in force July 1, 1913, as amended, is repealed.
- Sec. 14. This Act may be known and cited as "The Illinois Nursing Act."

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THE ILLINOIS

NURSING ACT

STATE OF ILLINOIS
DWIGHT H. GREEN
Governor



DEPARTMENT OF
REGISTRATION AND EDUCATION
FRANK G. THOMPSON
Director

SPRINGFIELD

6.46.00

An Act to revise the law in relation to the regulation of the practice of nursing, approved June 19, 1919, as amended July 10, 1935, July 9, 1937, July 13, 1939, and July 18, 1941.

1014.09

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. It is unlawful for any person to practice, or attempt to practice, nursing, as a registered nurse, without a certificate of registration as a registered nurse, issued by the Department of Registration and Education, pursuant to the provisions of an Act entitled, "An Act in relation to the civil administration of the State government, and to repeal certain Acts therein named," approved March 7, 1917, in force July 1, 1917.

Sec. 1-a. The Department of Registration and Education shall exercise, but subject to the provisions of the Act, the following functions, powers and duties:

- 1. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- 2. Prescribe rules and regulations for a method of examination of candidates.
- 3. Prescribe rules and regulations defining what shall constitute a school, college or university or department of a university, or other institution, reputable and in good standing and to determine the reputability and good standing of a school, college or other institu-

tion reputable and in good standing by reference to a compliance with such rules and regulations; provided that no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

- 4. Adopt rules providing for and establishing a uniform and reasonable standard of maintenance, instruction, and training to be observed by all schools for nurses which are to be deemed reputable and in good standing and to determine the reputability and good standing of such schools for nurses by reference to compliance with such rules and regulations.
- 5. Establish a standard of preliminary education deemed requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by said school, colleges and universities.
- 6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to revoke or refuse to renew such licenses or certificates or authorities.
- 7. Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions, powers or duties enumerated shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Examining Committee which shall be composed of persons designated from time to time by the Director of Registration and Education

to take such action and to make such report for the profession involved herein, as follows:

Five (5) persons, each of whom is a registered nurse in this State and has been graduated for at least a period of five years, from a school for nurses in good standing, and, during the course of training, has served for two years in a general hospital and three of whom shall have had at least two years' experience in educational work among nurses.

The action or report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order reexaminations by the same or other examiners. (Added by Act approved July 10, 1935.)

- Sec. 2. A person is qualified to receive a certificate as a registered nurse:
- (a) Who is at least twenty-one years of age;
- (b) Who is of good moral character and temperate habits;
- (c) Who has graduated from a high school or secondary school, approved by the Department of Registration and Education, or who has completed an equivalent course of study as determined by an examination conducted

by the Department of Registration and Education; Provided, however, that any person presenting a qualifying certificate heretofore issued under this Act shall be deemed to have completed an equivalent course of study as provided in this Section;

- (d) Who has completed a course of study of at least three years in a school of nursing, inspected and approved by the Department of Registration and Education;
- (e) Who has passed an examination conducted by the Department of Registration and Education to determine his or her fitness to receive a certificate of registration as a registered nurse.
- (f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen or who, having made such declaration of intention, has filed a petition for naturalization within thirty days after becoming eligible to do so. (As amended by Act approved July 13, 1939.)
- Sec. 3. Every person who desires to obtain a certificate of registration shall apply to the Department of Registration and Education, in writing, upon blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant, under oath, and shall be accompanied by the required fee.
- Sec. 4. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered nurses at such times and places as it may determine.

The examination of applicants for certificates of registration as registered nurses may include both practical demonstrations and written and oral tests and shall embrace the subjects usually taught in schools of nursing, approved by the Department of Registration and Education.

Sec. 5. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered nurse.

Any certificate of registration heretofore issued under the laws of this State authorizing its holder to practice nursing, as a registered nurse, shall serve the same purpose as the certificate of registration as a registered nurse provided for by this Act.

Sec. 6. Every registered nurse who continues in active practice shall, annually, on or before the first day of April, renew his or her certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of April in any year shall expire on the first day of May in that year. A registered nurse whose certificate of registration has expired may renew his or her certificate of registration only upon payment of the required restoration fee.

Any registered nurse who retires from the practice of nursing for not more than five years may renew his or her certificate of registration upon payment of all lapsed fees. However, any registered nurse whose certificate of registration has expired while he or she has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, or the State Militia called into the service or training of the United States of America,

- or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her certificate of registration restored without paying any lapsed renewal fees or restoration fee if within one year after termination of such service, training or education other than by dishonorable discharge he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training or education has been so terminated. (As amended by Act approved July 18, 1941.)
- Sec. 7. The Department of Registration and Education may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration, for any, or any combination of the following causes:
- (a) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of, any Act which is now or which hereafter may be in force in this State relating to the use of habit forming drugs;
- (b) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of any Act, which is now or which hereafter may be in force in this State relating to the practice of abortion;
- (c) The obtaining of, or an attempt to obtain a certificate of registration, or practice in the profession, or money, or any other thing of value by fraudulent representation;
- (d) Gross negligence in the practice of nursing;
- (e) Continued practice by a person knowingly having an infectious, communicable, or contagious disease;

(f) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine, or other habit forming drugs.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate. The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Committee designated by the Director of Registration and Education. as provided in this Act, shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearings from time to time. the Committee shall not be sitting at the time and place fixed in the notice or at the time and place to which hearing shall have been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days. (As amended by Act approved July 10. 1935.)

Sec. 7-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Committee designated by the Director shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by Act approved July 10, 1935.)

Sec. 7-b. Any circuit or superior court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, suspension or revocation of certificate of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

Sec. 7-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of

such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

Sec. 7-d. The committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days. (Added by Act approved July 10, 1935.)

Sec. 7-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Committee designated by the Director. (Added by Act approved July 10, 1935.)

Sec. 7-f. The circuit or superior court of the county wherein the accused person resides shall have power to review any order of revocation or suspension and all questions of law

and fact thereon by writ of certiorari to the Department, provided that if the accused person is not a resident of this State and that the venue is not otherwise fixed herein, such venue shall be in the Sangamon County.

Such writ shall be issued by the Clerk of the Court upon praccipe and it shall be served at least ten days before the return day thereof. Service upon the Director, Assistant, Director, or Superintendent of Registration shall be service on the Department. Such suit shall be commenced within twenty days of the accused person's receipt of notice of the order of refusal, revocation or suspension. The Department shall not be required to certify the record of its proceedings unless the accused person shall first pay to it the sum of five cents per one hundred words of such record. Exhibits shall be certified without cost.

No department order of suspension or revocation shall be set aside or vacated on any ground not specified in the written motion for rehearing provided in this Act. (Added by Act approved July 10, 1935.)

Sec. 7-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

- 1. Such signature is the genuine signature of the Director.
- 2. That such Director is duly appointed and qualified.
- 3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. Such order of revocation or suspension shall be conclusive

proof that all precedent and concurrent acts of department officers and of the Committee necessary to the validity of such order were pursuant to authority conferred by the Director. (Added by Act approved July 10, 1935.)

Sec. 7-h. Appeals from all final orders and judgments entered by a circuit or superior court in review of an order of the Department may be taken directly to the Supreme Court by either party to the action within sixty days after service of a copy of the order or judgment of the circuit or superior court, and shall be governed by the rules applying to other civil cases appealed to said Supreme Court, except that formal pleadings shall not be required. (Added by Act approved July 10, 1935.)

Sec. 7-i. The pendency of an appeal or writ of certiorari shall not of itself stay or suspend the operation of an order of revocation or suspension; but during the pendency of such suit or appeal, the circuit or superior court or the Supreme Court, as the case may be, in its discretion, may stay the operation of such order in whole or in part upon such terms and conditions as the court may prescribe.

No such stay shall be granted by the court otherwise than upon ten days notice to the Department and after a hearing. (Added by Act approved July 10, 1935.)

Sec. 8. Upon payment of the required fee, an applicant who is a nurse, registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province may, without examination, be granted a certificate of registration as a registered nurse by the Department of Registration and Education, in its discretion, upon the following conditions:

- (a) That the applicant is at least twentytwo years of age, of good moral character and temperate habits; and
- (b) That the requirements for the registration or licensing of nurses in the particular state, territory, country or province, were, at the date of the license, substantially equal to the requirements then in force in this State.
- Sec. 9. The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration as a registered nurse is ten dollars (\$10.00).

The fee to be paid by an applicant for a certificate of registration as a registered nurse is two dollars (\$2.00).

The fee to be paid upon the renewal of a certificate of registration is one dollar (\$1.00).

The fee to be paid by an applicant for an examination to determine his or her preliminary education is two dollars (\$2.00).

The fee to be paid by an applicant for a certificate of registration who is a nurse registered or licensed under the laws of another state or territory of the United States or of a foreign country or province is twelve dollars (\$12.00).

The fee to be paid for the restoration of an expired certificate of registration as a registered nurse is two dollars (\$2.00).

Sec. 10. Repealed by Act approved July 10, 1935.

Sec. 11. Each of the following acts constitutes a misdemeanor, punishable upon conviction by a fine of not less than twenty-five dollars (\$25.00), nor more than two hundred dollars (\$200.00):

- (a) The practice of nursing, or an attempt to practice nursing as a registered nurse without a certificate of registration as a registered nurse:
- (b) The obtaining of, or an attempt to obtain, a certificate of registration, or practice in the profession, or money, or any other thing of value, by fraudulent representation;
- (c) The making of any wilfully false oath or affirmation as required by this Act.

All fines and penalties shall inure to the Department of Registration and Education.

Sec. 12. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration. This record shall also contain the name, known place of business and residence, and the date and number of certificate of registration of every registered nurse in this State.

Sec. 13. An Act entitled "An Act to provide for the registration of nurses and to repeal a certain Act therein named," approved June 30, 1913, in force July 1, 1913, as amended, is repealed.

Sec. 14. This Act may be known and cited as "The Illinois Nursing Act."

(Printed by the authority of the State of Illinois)

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THE ILLINOIS NURSING ACT

STATE OF ILLINOIS
DWIGHT H. GREEN
Governor



DEPARTMENT OF
REGISTRATION AND EDUCATION
FRANK G. THOMPSON
Director

SPRINGFIELD

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THE ILLINOIS NURSING ACT

An Act to revise the law in relation to the regulation of the practice of professional nursing, and to repeal "An Act to revise the law in relation to the regulation of the practice of nursing," approved June 19, 1919, as amended, and to make an appropriation therefor. Approved July 8, 1947.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:
Section 1. For the protection of life and the promotion of health, and the prevention of illness and communicable disease, any person practicing or offering to practice professional nursing in Illinois must submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. After January 1, 1949, no person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

- 1. The employment in Federal government institutions or agencies of nurses who are members of Federal agencies and are registered in some state in the United States;
- 2. The practice of nursing which is incidental to their program of study by students enrolled in schools of nursing approved by the Department;
- 3. The furnishing of nursing assistance in an emergency;
- 4. The incidental care of the sick by members of the family, domestic servants or housekeepers, or care of the sick where treatment is by prayer or spiritual means;

- 5. The practice of professional nursing for a period not exceeding three months by one who has applied to the Department for a certificate of registration as a registered nurse and who has complied with all the provisions under Sections 6 and 7, except the passing of an examination to be eligible to receive such certificate pending the taking of such examination and the decision of the Department thereon.
- 6. The practice of professional nursing for a period not exceeding three months in any calendar year by one who is a registered nurse under the laws of a foreign jurisdiction and who would be qualified to receive a certificate as a registered nurse under Section 27.

Sec. 2. When used in this Act:

- 1. "Professional Nursing" means the performance of professional services requiring an understanding of the principles and application of procedures and techniques of nursing based on biological, physical and social sciences, including responsible supervision of a patient requiring skill in observation of symptoms and reactions, causes and effects, and the accurate recording of the facts and carrying out of treatments and medications as prescribed by an individual licensed under the "Medical Practice Act", approved June 30, 1923, as amended, or under "An Act to regulate the practice of dental surgery and dentistry in the State of Illinois and to repeal certain acts therein named", approved June 11, 1909, as amended, in order to safeguard life and health of a patient and others. The foregoing definition does not embrace the services of medical or dental office assistants.
- 2. "Registered Nurse" means a person who practices professional nursing as defined in paragraph 1 of this section. A registered nurse registered under this Act only is entitled to use the title "registered nurse," and the abbreviation, "R. N."

- 3. "Department" means the Department of Registration and Education.
- 4. "Director" means the Director of Registration and Education.
- 5. "Assistant Director" means the Assistant Director of Registration and Education.
- 6. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 7. "Committee" means the Board of Nurse Examiners of registered nurses appointed by the Director.
- 8. "Nursing Education Coordinator" means a registered nurse appointed by the Director to carry out the administrative policies of the Department.
- Sec. 3. Subject to the provisions of this Act, the Department shall:
- 1. Prescribe rules defining what constitutes a school of nursing established within a hospital, college or university reputable and in good standing.
- 2. Adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all schools of nursing which are approved by the Department; and determine the reputability and good standing of such schools of nursing by reference to compliance with such rules.
- 3. Establish a minimum standard of preliminary education deemed requisite for admission to a school of nursing and require satisfactory proof of the enforcement of such standards by the school of nursing.

- 4. Prescribe rules for a method of examination of candidates for registered nurses and for issuance of certificates authorizing candidates upon passing examination to practice as registered nurses.
- 5. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- 6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons who are registered under this Act and revoke or refuse to renew such licenses, certificates or authorities.
- 7. Formulate rules required for the administration of this Act.
- Sec. 4. None of the functions, powers or duties enumerated in Section 3 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 5. The Director shall:

1. Appoint the Committee, which shall be composed of five registered professional nurses. In making committee appointments the Director shall give consideration to recommendations made by the professional nursing organizations. Each member shall be registered in Illinois. Four members shall have had a minimum of five years' experience as a registered professional nurse in a school of nursing and shall be actively engaged in nursing education at the time of appointment. One member shall be a certified public health nurse and shall be actively engaged in public health nursing at the time of appointment or within a period of two years

thereof. The members shall be appointed for a term of five years except that the five members first appointed under this Act shall be appointed for terms of one, two, three, four, and five years as designated unless removed by the Director. No member shall be eligible for reappointment for more than two terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. The Committee shall carry out functions delegated to it by the Department.

- 2. Appoint a Nursing Education Coordinator and an assistant. In appointing such persons the Director shall give consideration to recommendations of the Committee. The Nursing Education Coordinator and assistant shall be professional nurses registered in this State and graduated from approved schools of nursing. Each shall hold a bachelor's degree or its equivalent from an approved college or university: each shall have had at least five years' experience as an executive of an approved school of nursing, or as an instructor or director of the faculty of such school, and each shall be actively engaged in nursing education at the time the appointment is made. The Nursing Education Coodinator and assistant shall perform such administrative functions as may be delegated to them by the Director.
- 3. Appoint an Advisory Council of five members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. The members shall be appointed for a term of five years except that the five members first appointed under this Act shall be appointed for terms of one, two, three, four and five years as designated unless removed by the Director. No member shall be eligible for reappointment for more than two terms, and any appointment to fill a vacancy shall be for the unexpired por-

tion of the term. In designating the members of the Advisory Council the Director shall appoint a person representing the general public who shall also be a member of the governing board of a hospital and a person representing each of the following professions: hospital administration, medicine, nursing and general education. The Director shall give due consideration to recommendations by members and organizations of such respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties.

- Sec. 6. A person desiring a certificate of registration as a nurse shall be at least twenty-one years of age, of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and, having made such declaration of intention, has filed a petition for naturalization within thirty days after becoming eligible to do so.
- Sec. 7. A person having the qualifications prescribed in Section 6 shall be qualified to receive a certificate of registration as a registered nurse if he or she
- 1. has graduated from a high school or secondary school approved by the Department, or has completed an equivalent course of study as determined by an examination conducted by the Department; and
- 2. has completed a program of study of at least three years in a hospital school of nursing approved by the Department which may include not more than eight months credit for a graduate of a college or university approved by the Department; or has completed a program of study leading to a degree offered by a school of nursing organized within or affiliated with a

university or college, or which not less than two years shall include professional study and experience approved by the Department; and

- 3. has passed an examination conducted by the Department to determine his or her fitness to receive a certificate of registration as a registered nurse.
- Sec. 8. Whoever desires to obtain a certificate of registration as a registered nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.
- Sec. 9. The Department shall hold examinations of applicants for certificates of registration as registered nurses at such times and places as it may determine. The examination of applicants for certificates of registration may include both practical demonstrations and written and oral tests and shall embrace the subjects taught in schools of nursing approved by the Department.
- Sec. 10. The Department shall issue a certificate of registration as a registered nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service, authorizing its holder to practice nursing as a registered nurse, shall serve the same purpose as the certificate of registration as a registered nurse provided for by this Act.

- Sec. 11. Every registered nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered nurse which has not been renewed before May 1 in any year, shall expire on that date.
- Sec. 12. A registered nurse whose certificate of registration has expired may have it restored immediately upon payment of all lapsed renewal fees and the required restoration fee if not more than five years have elapsed since the date of expiration. Any registered nurse whose certificate of registration has expired for more than five years may have it restored only by passing a satisfactory examination conducted by the Department to determine his or her fitness to have it restored and by paying the required fee.
- Sec. 13. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration for any of the following causes or combination of them:
- 1. Willfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit forming drugs;
- 2. Willfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion.
- 3. The obtaining of, or attempting to obtain, a certificate of registration by money or any other thing of value or by fraudulent representation:
- 4. Gross negligence in the practice of professional nursing;
- 5. Continued practice by a person knowingly having an infectious, communicable, or contagious disease:

- 6. Habitual drunkenness, or habitual addiction to the use of morphine, cocaine, or other habit forming drug;
 - 7. Conviction of a crime;
- 8. Failure to file a petition for naturalization within ninety days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under the naturalization act within ninety days thereafter.

The entry of a decree by any court of competent jurisdiction establishing the mental illness of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate of registration has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice.

Sec. 14. Certificates may be revoked or suspended only in the manner provided by this Act. The Department may upon its own motion and shall upon the verified complaint in writing of any person, if such complaint or such complaint together with evidence, documentary or otherwise, presented in connection therewith shall make a prima facie case, investigate the actions of any person holding or claiming to hold a certificate. Before suspending or revoking any certificate, the Department shall issue a citation notifying the registrant of the time and place when and where a hearing of the charges shall be had. The citation shall contain a statement of the charges or shall be accompanied by a copy of the written complaint if such complaint has been filed. The citation shall be served on the registrant at least ten days prior to the date therein set for the hearing, either by delivery of it personally to the registrant or by mailing it by registered mail to his last known place of residence, provided that in any case where the registrant is now or may hereafter be required by law to maintain a place of business in this State and to notify the Department of the location thereof the citation may be served by mailing it by registered mail to the registrant at the place of business last described by him in such notification to the Department. At the time and place fixed in the citation, the Committee shall proceed to a hearing of the charges and both the registrant and the complainant shall be accorded ample opportunity to present, in person or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Committee may continue the hearing from time to time. If the Committee shall not be sitting at the time and place fixed in the citation or at the time and place to which a hearing has been continued, the Department shall continue the hearing for a period not to exceed thirty days.

Sec. 15. The Department may subpoena and bring before it any person in this State and take testimony either orally or by deposition, or both, with the same fees and mileage allowance in the same manner as in civil cases in courts of record of this State.

The Director, assistant director, superintendent and any member of the appropriate committee shall each have power to administer oaths to witnesses at any hearings relating to this Act which the Department is authorized by law to conduct.

Sec. 16. Any Circuit or Superior Court or any judge thereof, either in term time or vacation, upon the application of the registrant or complainant or of the Department may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificate of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt.

Sec. 17. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The citation, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of the proceedings. The Department shall furnish a transcript of such record to any person interested in the hearing upon payment therefor of twentyfive cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words.

Sec. 18. The Committee shall present to the Director a written report of its findings and recommendations. A copy of such report shall be served upon the registrant, either personally or by registered mail as provided in Section 15 for the service of the citation. Within twenty days after such service, the registrant may present to the Department his motion in writing for a rehearing, specifying the particular grounds therefor. If the registrant orders and pays for a transcript of the record as provided

in Section 17, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Sec. 19. At any time after the suspension or revocation of any certificate, the Department may restore it to the registrant without examination, upon the written recommendation of the Committee.

Sec. 20. The Circuit or Superior Court of the County wherein the registrant resides may review any order of revocation or suspension and all questions of law and fact thereon by writ of certiorari to the Department; provided, that in all cases where the registrant is required by lay to maintain a place of business in this State and to notify the Department of the location thereof, the venue shall be in the county wherein is located the registrant's place of business as described in the notification by him filed with the Department last before the date of the act or acts which constitute the grounds of suspension or revocation, and provided further, that if the registrant is not a resident of this State and the venue is not otherwise fixed herein, such venue shall be in Sangamon County.

Sec. 21. The writ prescribed in Section 20 shall be issued by the clerk of the court upon praecipe and it shall be served at least ten days before the return day thereof. Service upon the Director, assistant director or superintendent shall be service on the Department. Such suit shall be commenced within twenty days of the registrant's receipt of notice of the order of revocation or suspension. The Department need not certify the record of its proceedings unless the registrant first pays to it the sum of five cents per one hundred words of such record. Exhibits shall be certified without cost.

Sec. 22. No Department order of suspension or revocation shall be set aside or vacated on

any ground not specified in the written motion for rehearing provided for in Section 18.

Sec. 23. An order of revocation or suspension, or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:

- 1. Such signature is the genuine signature of the Director.
- 2. That such Director is duly appointed and qualified.
- 3. That the Committee and the members thereof are qualified to act.

Such evidence may be rebutted. An order of revocation or suspension shall be conclusive proof that all precedent and concurrent acts of department officers and of the committee necessary to the validity of such order were exercised pursuant to authority conferred by the Director.

- Sec. 24. Appeals from all final orders and judgments entered by a circuit or superior court in review of an order of the Department may be taken directly to the Supreme Court by either party to the action within sixty days after service of a copy or judgment of the circuit or superior court, and shall be governed by the rules applying to other civil cases appealed to the Supreme Court, except that formal pleadings shall not be required.
- Sec. 25. The pendency of an appeal or writ of certiorari shall not of itself stay or suspend the operation of an order of revocation or suspension; but, during the pendency of such suit or appeal, the Circuit or Superior Court or the Supreme Court, as the case may be, in its discretion, may stay the operation of such order

in whole or in part upon such terms and conditions as the court may prescribe. No such stay shall be granted by the court otherwise than upon ten days' notice to the Department and after a hearing.

Sec. 26. Upon payment of the required fee, an applicant who is a registered professional nurse, licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered nurse by the Department:

- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and
- 3. provided that he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and, having made such declaration of intention, has filed a petition for naturalization within thirty days after becoming eligible to do so.
- Sec. 27. 1. The fee for examination to determine an applicant's fitness to receive a certificate of registration as a registered nurse shall be ten dollars (\$10.00). No further fee shall be charged for issuing the certificate of registration.

- 2. The fee to be paid upon the renewal of a certificate of registration as a registered nurse shall be one dollar (\$1.00).
- 3. A registered nurse under this Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate or renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall provisions 5 and 6 hereinafter set forth apply during the time for which fee to a foreign jurisdiction is paid.
- 4. An applicant for a certificate of registration as a registered nurse who is registered or licensed under the laws of another jurisdiction shall pay a fee of ten dollars (\$10.00).
- 5. The fee to be paid for the restoration of a certificate of registration which has expired for not more than five years shall be two dollars (\$2.00), plus all lapsed renewal fees.
- 6. The fee to be paid for the restoration of a certificate of registration as a registered nurse which has expired for more than five years shall be ten dollars (\$10.00).
- Sec. 28. Each of the following acts is punishable by a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail for not less than one month, nor more than six months, or by both such fine and imprisonment:
- 1. The practice of professional nursing or an attempt to practice professional nursing without a valid certificate of registration as a registered nurse.
- 2. The use of any words, abbreviations, figures or letters with intention of indicating practice as a registered nurse without a valid certificate as a registered nurse under this Act;

- 3. The obtaining of, or attempting to obtain a certificate of registration, by money or any other thing of value, or by fraudulent representation;
- 4. The making of any wilfully false oath or affirmation required by this Act.
- Sec. 29. "An Act to revise the law in relation to the regulation of the practice of nursing," approved June 19, 1919, as amended, is repealed.
- Sec. 30. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.
- Sec. 31. This Act may be known and cited as "The Illinois Nursing Act."
- Sec. 32. Any person who has practiced professional nursing at least two years within the five year period preceding July 1, 1947, and had qualifications which would have enabled such person at time of graduation from a school of nursing then approved by the Department to take an examination to be certified as a registered or graduate nurse under any act relating to nursing heretofore approved by the General Assembly of the State of Illinois, may become certified as a registered nurse under this Act at any time prior to July 1, 1948, by making application therefor with the Department, proving satisfactorily to it that he or she has possessed such qualifications and passing oral examination administered by the Department to determine his or her fitness for certification as a registered nurse.

Sec. 33. Appropriation.

(Printed by authority of the State of Illinois)





614.09 Il63m 1949 THE ILLINOIS Cop. 2 NURSING ACT

STATE OF ILLINOIS
ADLAI E. STEVENSON
Governor



DEPARTMENT OF
REGISTRATION AND EDUCATION
NOBLE J. PUFFER
Director

SPRINGFIELD

1949

JAN 2 6 1950



THE ILLINOIS NURSING ACT

An Act to revise the law in relation to the regulation of the practice of professional nursing, and to repeal "An Act to revise the law in relation to the regulation of the practice of nursing," approved June 19, 1919, as amended, and to make an appropriation therefor. Approved July 8, 1947.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

SECTION 1. For the protection of life and the promotion of health, and the prevention of illness and communicable disease, any person practicing or offering to practice professional nursing in Illinois must submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. After January 1, 1949, no person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

- 1. The employment in Federal government institutions or agencies of nurses who are members of Federal agencies and are registered in some state in the United States;
- 2. The practice of nursing which is incidental to their program of study by students enrolled in schools of nursing approved by the Department;
- 3. The furnishing of nursing assistance in an emergency;
- 4. The incidental care of the sick by members of the family, domestic servants or housekeepers, or care of the sick where treatment is by prayer or spiritual means;

- 5. The practice of professional nursing for a period not exceeding three months by one who has applied to the Department for a certificate of registration as a registered nurse and who has complied with all the provisions under Sections 6 and 7, except the passing of an examination to be eligible to receive such certificate pending the taking of such examination and the decision of the Department thereon.
- 6. The practice of professional nursing for a period not exceeding three months in any calendar year by one who is a registered nurse under the laws of a foreign jurisdiction and who would be qualified to receive a certificate as a registered nurse under Section 27.

Sec. 2. When used in this Act:

- 1. "Professional Nursing" means the performance of professional services requiring an understanding of the principles and application of procedures and techniques of nursing based on biological, physical and social sciences, including responsible supervision of a patient requiring skill in observation of symptoms and reactions, causes and effects, and the accurate recording of the facts and carrying out of treatments and medications as prescribed by an individual licensed under the "Medical Practice Act", approved June 30, 1923, as amended, or under "An Act to regulate the practice of dental surgery and dentistry in the State of Illinois and to repeal certain acts therein named", approved June 11, 1909, as amended, in order to safeguard life and health of a patient and others. The foregoing definition does not embrace the services of medical or dental office assistants.
- 2. "Registered Nurse" means a person who practices professional nursing as defined in paragraph 1 of this section. A registered nurse registered under this Act only is entitled to use the title "registered nurse," and the abbreviation, "R. N."

- 3. "Department" means the Department of Registration and Education.
- 4. "Director" means the Director of Registration and Education.
- 5. "Assistant Director" means the Assistant Director of Registration and Education.
- 6. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 7. "Committee" means the Board of Nurse Examiners of registered nurses appointed by the Director.
- 8. "Nursing Education Coordinator" means a registered nurse appointed by the Director to carry out the administrative policies of the Department.
- Sec. 3. Subject to the provisions of this Act, the Department shall:
- 1. Prescribe rules defining what constitutes a school of nursing established within a hospital, college or university reputable and in good standing.
- 2. Adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all schools of nursing which are approved by the Department; and determine the reputability and good standing of such schools of nursing by reference to compliance with such rules.
- 3. Establish a minimum standard of preliminary education deemed requisite for admission to a school of nursing and require satisfactory proof of the enforcement of such standards by the school of nursing.

- 4. Prescribe rules for a method of examination of candidates for registered nurses and for issuance of certificates authorizing candidates upon passing examination to practice as registered nurses.
- 5. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- 6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons who are registered under this Act and revoke or refuse to renew such licenses, certificates or authorities.
- 7. Formulate rules required for the administration of this Act.
- Sec. 4. None of the functions, powers or duties enumerated in Section 3 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 5. The Director shall:

1. Appoint the Committee, which shall be composed of five registered professional nurses. In making committee appointments the Director shall give consideration to recommendations made by the professional nursing organizations. Each member shall be registered in Illinois. Four members shall have had a minimum of five years' experience as a registered professional nurse in a school of nursing and shall be actively engaged in nursing education at the time of appointment. One member shall be a certified public health nurse and shall be actively engaged in public health nursing at the time of appointment or within a period of two years

thereof. The members shall be appointed for a term of five years except that the five members first appointed under this Act shall be appointed for terms of one, two, three, four, and five years as designated unless removed by the Director. No member shall be eligible for reappointment for more than two terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. The Committee shall carry out functions delegated to it by the Department.

- 2. Appoint a Nursing Education Coordinator and an assistant. In appointing such persons the Director shall give consideration to recommendations of the Committee. The Nursing Education Coordinator and assistant shall be professional nurses registered in this State and graduated from approved schools of nursing. Each shall hold a bachelor's degree or its equivalent from an approved college or university; each shall have had at least five years' experience as an executive of an approved school of nursing, or as an instructor or director of the faculty of such school, and each shall be actively engaged in nursing education at the time the appointment is made. The Nursing Education Coordinator and assistant shall perform such administrative functions as may be delegated to them by the Director.
- 3. Appoint an Advisory Council of five members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. The members shall be appointed for a term of five years except that the five members first appointed under this Act shall be appointed for terms of one, two, three, four and five years as designated unless removed by the Director. No member shall be eligible for reappointment for more than two terms, and any appointment to fill a vacancy shall be for the unexpired por-

tion of the term. In designating the members of the Advisory Council the Director shall appoint a person representing the general public who shall also be a member of the governing board of a hospital and a person representing each of the following professions: hospital administration, medicine, nursing and general education. The Director shall give due consideration to recommendations by members and organizations of such respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties.

- Sec. 6. A person desiring a certificate of registration as a nurse shall be at least twenty years of age, of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and, having made such declaration of intention, has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved April 20, 1949.)
- Sec. 7. A person having the qualifications prescribed in Section 6 shall be qualified to receive a certificate of registration as a registered nurse if he or she
- 1. has graduated from a high school or secondary school approved by the Department, or has completed an equivalent course of study as determined by an examination conducted by the Department; and
- 2. has completed a program of study of at least three years in a hospital school of nursing approved by the Department which may include not more than eight months credit for a graduate of a college or university approved by the Department; or has completed a program of study leading to a degree offered by a school of nursing organized within or affiliated with a

university or college, or which not less than two years shall include professional study and experience approved by the Department; and

- 3. has passed an examination conducted by the Department to determine his or her fitness to receive a certificate of registration as a registered nurse.
- Sec. 8. Whoever desires to obtain a certificate of registration as a registered nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.
- Sec. 9. The Department shall hold examinations of applicants for certificates of registration as registered nurses at such times and places as it may determine. The examination of applicants for certificates of registration may include both practical demonstrations and written and oral tests and shall embrace the subjects taught in schools of nursing approved by the Department.
- Sec. 10. The Department shall issue a certificate of registration as a registered nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service, authorizing its holder to practice nursing as a registered nurse, shall serve the same purpose as the certificate of registration as a registered nurse provided for by this Act.

- Sec. 11. Every registered nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered nurse which has not been renewed before May 1 in any year, shall expire on that date.
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- Sec. 13. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration for any of the following causes or combination of them:
- 1. Willfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit forming drugs:
- 2. Willfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion.
- 3. The obtaining of, or attempting to obtain, a certificate of registration by money or any other thing of value or by fraudulent representation;
- 4. Gross negligence in the practice of professional nursing;
- 5. Continued practice by a person knowingly having an infectious, communicable, or contagious disease:

6. Habitual drunkenness, or habitual addiction to the use of morphine, cocaine, or other habit forming drug;

7. Conviction of a crime;

8. Failure to file a petition for naturalization within ninety days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under the naturalization act within ninety days thereafter

The entry of a decree by any court of competent jurisdiction establishing the mental illness of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate of registration has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice.

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shall be served on the registrant at least ten days prior to the date therein set for the hearing, either by delivery of it personally to the registrant or by mailing it by registered mail to his last known place of residence, provided that in any case where the registrant is now or may hereafter be required by law to maintain a place of business in this State and to notify the Department of the location thereof the citation may be served by mailing it by registered mail to the registrant at the place of business last described by him in such notification to the Department. At the time and place fixed in the citation, the Committee shall proceed to a hearing of the charges and both the registrant and the complainant shall be accorded ample opportunity to present, in person or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Committee may continue the hearing from time to time. If the Committee shall not be sitting at the time and place fixed in the citation or at the time and place to which a hearing has been continued, the Department shall continue the hearing for a period not to exceed thirty days.

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The Director, assistant director, superintendent and any member of the appropriate committee shall each have power to administer oaths to witnesses at any hearings relating to this Act which the Department is authorized by law to conduct.

Sec. 16. Any Circuit or Superior Court or any judge thereof, either in term time or vacation, upon the application of the registrant or complainant or of the Department may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificate of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt.

Sec. 17. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The citation, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of the proceedings. The Department shall furnish a transcript of such record to any person interested in the hearing upon payment therefor of twentyfive cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words.

Sec. 18. The Committee shall present to the Director a written report of its findings and recommendations. A copy of such report shall be served upon the registrant, either personally or by registered mail as provided in Section 15 for the service of the citation. Within twenty days after such service, the registrant may present to the Department his motion in writing for a rehearing, specifying the particular grounds therefor. If the registrant orders and pays for a transcript of the record as provided

in Section 17, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Sec. 19. At any time after the suspension or revocation of any certificate, the Department may restore it to the registrant without examination, upon the written recommendation of the Committee.

Sec. 20. Repealed. (Act approved August 1, 1949.)

Sec. 20.01. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act." (Added by Act approved August 1, 1949.)

Sec. 20.02. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for pudicial review unless the party filing the complaint deposits with the clerk of the court the sum of five cents per hundred words representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (Added by Act approved August 1, 1949.)

Sec. 21. Repealed. (Act approved August 1, 1949.)

Sec. 22. Repealed. (Act approved August 1, 1949.)

Sec. 23. An order of revocation or suspension, or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:

- 1. Such signature is the genuine signature of the Director.
- 2. That such Director is duly appointed and qualified.
- 3. That the Committee and the members thereof are qualified to act.

Such evidence may be rebutted. (Amended by Act approved August 1, 1949.)

- Sec. 24. Appeals from all final orders and judgments entered by a circuit or superior court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to the Supreme Court. (Amended by Act approved August 1, 1949.)
- Sec. 25. Repealed. (Act approved August 1, 1949.)
- Sec. 26. Upon payment of the required fee, an applicant who is a registered professional nurse, licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered nurse in such jurisdiction are substantially equal to the re-

quirements in force in Illinois at the time of application for registration as a registered nurse in Illinois: and

- 3. provided that he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and, having made such declaration of intention, has filed a petition for naturalization within thirty days after becoming eligible to do so.
- Sec. 27. 1. The fee for examination to determine an applicant's fitness to receive a certificate of registration as a registered nurse shall be ten dollars (\$10.00). No further fee shall be charged for issuing the certificate of registration.
- 2. The fee to be paid upon the renewal of a certificate of registration as a registered nurse shall be one dollar (\$1.00).
- 3. A registered nurse under this Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate or renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall provisions 5 and 6 hereinafter set forth apply during the time for which fee to a foreign jurisdiction is paid.
- 4. An applicant for a certificate of registration as a registered nurse who is registered or licensed under the laws of another jurisdiction shall pay a fee of ten dollars (\$10.00).
- 5. The fee to be paid for the restoration of a certificate of registration which has expired for not more than five years shall be two dollars (\$2.00), plus all lapsed renewal fees.
- 6. The fee to be paid for the restoration of a certificate of registration as a registered nurse which has expired for more than five years shall be ten dollars (\$10.00).

- Sec. 28. Each of the following acts is punishable by a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail for not less than one month, nor more than six months, or by both such fine and imprisonment:
- 1. The practice of professional nursing or an attempt to practice professional nursing without a valid certificate of registration as a registered nurse.
- 2. The use of any words, abbreviations, figures or letters with intention of indicating practice as a registered nurse without a valid certificate as a registered nurse under this Act;
- 3. The obtaining of, or attempting to obtain a certificate of registration, by money or any other thing of value, or by fraudulent representation:
- 4. The making of any wilfully false oath or affirmation required by this Act.
- Sec. 29. "An Act to revise the law in relation to the regulation of the practice of nursing," approved June 19, 1919, as amended, is repealed.
- Sec. 30. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.
- Sec. 31. This Act may be known and cited as "The Illinois Nursing Act."
- Sec. 32. Any person who has practiced professional nursing at least two years within the five year period preceding July 1, 1947, and had qualifications which would have enabled such person at time of graduation from a school of nursing then approved by the Department to take an examination to be certified as a reg-

istered or graduate nurse under any act relating to nursing heretofore approved by the General Assembly of the State of Illinois, may become certified as a registered nurse under this Act at any time prior to July 1, 1948, by making application therefor with the Department, proving satisfactorily to it that he or she has possessed such qualifications and passing oral examination administered by the Department to determine his or her fitness for certification as a registered nurse.

Sec. 33. Appropriation.

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1951

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NURSING ACT

STATE OF ILLINOIS ADLAI E. STEVENSON Governor



DEPARTMENT OF REGISTRATION AND EDUCATION

SPRINGFIELD

(Printed by authority of the State of Illinois)

CHARLESTY L. ILLUNG'S

THE ILLINOIS NURSING ACT

SEC

- 1. Short Title.
- Necessity of Practice—Professional Nursing— Acts not prohibited.
- 3. Practical Nursing-Acts not prohibited.
- 4. Definitions.
- 5. Powers and duties of Department.
- 6. Written action of majority, necessary.
- Duties and functions of director—committee nursing education coordinator and assistant advisory council.
- Requirements for Professional Nurse registration.
- 9. Requirements for Practical Nurse license.
- 10. Application for certification registration or license.
- 11. Examinations.
- Issuance of certificates—certificates previously issued.
- 13. Renewal of certificates.
- 14. Restoration of expired certificates.
- Refusal, suspension or revocation of certificate
 —cause—resignation of practice after suspension for mental illness.
- 16. Manner of revocation of certificate.
- 17. Review of administrative decisions.
- Certification of record or other appearance in proceeding for review—Fee.
- 19. Order of revocation prima facie evidence.
- 20. Appeal to Supreme Court.
- 21. Reciprocity.
- 22. Fees.
- 23. Offenses—Penalty.
- 24. Injunctive relief.
- 25. Partial invalidity.26. Appropriation.
- 27. Repeal.

AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an Act therein named. (Approved June 14, 1951)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be known and cited as "The Illinois Nursing Act."

Sec. 2. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois must submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

The employment in Federal government institutions or agencies of nurses who are members of Federal agencies and are registered in some state in the United States;

The practice of nursing which is incidental to their program of study by students enrolled in schools of nursing approved by the

The furnishing of nursing assistance in

enrolled in school Department;
3. The furn an emergency;

4. The incidental care of the sick by members of the family, domestic servants or housekeepers, or care of the sick where treatment is by prayer or spiritual means:

- 5. The practice of professional nursing for a period not exceeding six months by one who has applied to the Department for a certificate of registration as a registered nurse within thirty days after employment as a professional nurse in this State and who has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receiv such certificate pending the taking of such examination and the decision of the Department thereon;
- 6. The practice of professional nursing for a period not exceeding six months in any calendar year by one who is a registered professional nurse under the laws of a foreign jurisdiction and who would be qualified to receive a certificate as a registered nurse under Section 21.
- Sec. 3. No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not affect or prohibit the practice of practical nursing without a certificate as a licensed practical nurse by any person not representing himself or herself to be a licensed practical nurse, nor does it apply to persons employed as nursing aides, attendants, orderlies and other auxilliary workers in private homes, hospitals or other institutions.

Sec. 4. When used in this Act:

1. "Professional nursing" means the performance under the direction of a licensed physician or dentist of professional services requiring an understanding of the principles of the biological, physical and social sciences, and an application of these principles in the care of the sick, the responsible supervision of a patient, the prevention of disease, and the conservation of health.

- 2. "Registered Nurse" means a person who is registered under this Act and who practices professional nursing as defined in paragraph 1 of this Section. A registered nurse registered under this Act only is entitled to use the title "registered nurse", and the abbreviation, "R.N.".
- 3. "Practical nursing" means the performance under the direction of a licensed physician, dentist, or registered professional nurse of such simple nursing procedures as may be required in the care of a patient and the conservation of health.
- 4. "Practical nurse" means a person who practices practical nursing as defined in paragraph 3 of this Section. A practical nurse only licensed under this Act is entitled to use the title "licensed practical nurse", and the abbreviation "L.P.N.".
- 5. "Department" means the Department of Registration and Education.
- 6. "Director" means the Director of Registration and Education.
- 7. "Assistant Director" means the Assistant Director of Registration and Education.
- 8. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.
- 10. "Nursing Education Coordinator" means a registered professional nurse appointed by the Director to carry out the administrative policies of the Department.
- 11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

- Sec. 5. Subject to the provisions of this Act, the Department shall:
- 1. Prescribe rules defining what constitutes a school of professional nursing established within a hospital, college or university and a school of practical nursing which is reputable and in good standing. Nothing in this Act shall prohibit or exclude a hospital or other educational institution from establishing and maintaining an approved school of practical nursing.
- 2. Adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the reputability and good standing of such schools by reference to compliance with such rules.
- 3. Establish a minimum standard of preliminary education and maintenance to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.
- 4. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed practical nurses respectively.
- 5. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered professional nurses and for certificates of registration as licensed practical nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- 6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates

or authorities of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke or refuse to renew such licenses, certificates or authorities.

- 7. Formulate rules required for the administration of this Act.
- Sec. 6. None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. The Director shall:

1. Appoint the Committee, which shall be composed of seven registered professional nurses. Four members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged in nursing education at the time of appointment. Two members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged, at the time of appointment, in nursing education in an approved school of practical nursing. One member shall be a certified public health nurse who shall have had a minimum of five years' experience in public health nursing education and shall be actively engaged in public health nursing at the time of appointment. The members shall be appointed for a term of five years, except that the first four members first appointed under this Act shall be appointed for terms of one, two, three or four years respectively as designated at the time of appointment. No member shall be eligible for appointment to more than two consecutive five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. The Committee shall carry out functions delegated to it by the Department.

- 2. Appoint a Nursing Education Coordinator and assistants. In appointing such persons the Director shall give consideration to recommendations of the Committee. The Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nurs-Each shall hold a bachelor's degree or its equivalent from an approved college or university: each shall have had at least five years' experience as an executive of an approved school of professional nursing, or as an instructor or director of the faculty of such school, though such experience of an assistant may be in an approved school of practical nursing, and each shall be actively engaged in such nursing education at the time the appointment is made. The Nursing Education Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director
- Appoint an Adivsory Council of seven members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. The members shall be appointed for a term of five years except that four of the members first appointed under this Act shall be appointed for terms of one, two, three, and four years respectively as designated at the time of appointment. No member shall be eligible for reappointment for more than two five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general edu-

cation, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties.

- Sec. 8. A person shall be qualified to receive a certificate of registration as a registered professional nurse if he or she:
 - 1. is at least twenty years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so:
- 3. has graduated from a high school or secondary school approved by the Department, or has completed an equivalent course of study as determined by an examination conducted by the Department;
- 4. has completed a program of study of at least three years in a hospital school of nursing approved by the Department which may include not more than eight months credit for a graduate of a college or university approved by the Department; or has completed a program of study leading to a degree offered by a school of nursing organized within or affiliated with a university or college, of which not less than two years shall include professional study and experience approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness

to receive a certificate of registration as a registered professional nurse; or

- 6. has practiced professional nursing at least two years within the five year period preceding July 1, 1947, and has qualifications which would have enabled such person at time of graduation from a school of nursing then approved by the Department to take an examination to be certified as a registered or graduate nurse under any act relating to nursing heretofore approved by the General Assembly of the State of Illinois by making application therefor with the Department, proving satisfactorily to it that he or she has possessed such qualifications and passing oral examination at any time prior to July 1, 1952 administered by the Department to determine his or her fitness for certification as a registered nurse.
- Sec. 9. A person shall be qualified to receive a certificate as a licensed practical nurse if he or she:
 - 1. is at least eighteen years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so:
- 3. has completed a two year course of study in a high school or secondary school approved by the Department or an equivalent course of study as determined by an examination conducted by the Department; or has completed a course of study in the eight grades of a grammar or primary school or an equivalent course of study that may be determined at any time by an examination conducted by the Department and has passed his or her twenty-fifth birthday before July 1, 1951;

- 4. has completed a program of study of at least nine months in a school of practical nursing approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse; or
- 6. any person who possesses the qualifications as to age, character, and citizenship as provided in the foregoing portion of this Section, has practiced practical nursing in Illinois for two years in the five years immediately preceding January 1, 1953, submits verified affidavits of two licensed practicing physicians or two practicing registered professional nurses, certifying on personal knowledge that such practice has been satisfactorily performed for said period, may become licensed as a practical nurse at any time prior to January 1. 1953, by making application therefor to the Department and passing an examination in practical nursing skills wholly or in part in writing conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse.
- Sec. 10. Whoever desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.
- Sec. 11. The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for

certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.

Sec. 12. The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service, authorizing its holder to practice pursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1 in any year, shall expire on that date.

Sec. 14. A registered professional nurse or licensed practical nurse whose certificate of registration has expired may have it restored immediately upon payment of all lapsed renewal fees and the required restoration fee if not more than five years have elapsed since the date of expiration or beyond five years if within two years after honorable termination of military service with the United States when such certificate has expired during such serv-

ice. Any registered professional nurse or licensed practical nurse whose certificate of registration has expired for more than five years unless if beyond such time within two years after honorable termination of military service with the United States when such certificate has expired during such service, may have it restored only by passing a satisfactory examination conducted by the Department to determine his or her fitness to have it restored and by paying the required fee.

Sec. 15. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration as a registered professional nurse or as a licensed practical nurse for any of the following causes or combination of them:

- 1. wilfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit forming drugs;
- wilfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;
- the obtaining of, or attempting to obtain, a certificate of registration by money or any other thing of value or by fraudulent representation;
- 4. gross negligence in the practice of professional nursing or practical nursing;
 - 5. continued practice by a person knowingly having an infectious, communicable, or contagious disease;
 - 6. habitual drunkeness, or habitual addiction to the use of morphine, cocaine, or other habit forming drug;
 - 7. conviction of a crime:
 - 8. failure to file a petition for naturalization within ninety days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under

the naturalization act within ninety days thereafter.

The entry of a decree by any court of competent jurisdiction establishing the mental illness of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate of registration has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice.

- Sec. 16. Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.
- Sec. 17. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".
- Sec. 18. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of seventy cents per page for the original and twenty-five cents per page for each carbon copy thereof representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

- Sec. 19. An order of revocation or suspension, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:
- 1. such signature is the genuine signature of the Director;
- 2. that such Director is duly appointed and qualified;
- 3. that the Committee and the members thereof are qualified to act.
- Sec. 20. Appeals from all final orders and judgments entered by a circuit or superior court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to the Supreme Court.
- Sec. 21. Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional

nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and

- 3. if he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within ninety days after becoming eligible to do so.
- Sec. 22. 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$10.00, and as a licensed practical nurse is \$7.50. No further fee shall be charged for issuing the certificate of registration.
- 2. The fee to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse is \$2.00.
- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jurisdiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$10.00; and as a licensed practical nurse \$7.50.
- 5. The fee to be paid for the restoration of a certificate of registration which has expired not more than five years is \$2.00 plus all lapsed renewal fees.

- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than five years is: for a registered professional nurse \$10.00; and for a licensed practical nurse \$7.50.
- Sec. 23. Each of the following acts is punishable by a fine of not less than \$50.00, nor more than \$500.00 or by imprisonment in the county jail for not less than one month nor more than six months, or both:
- 1. the practice of professional nursing or an attempt to practice professional nursing without a valid certificate of registration as a registered professional nurse;
- 2. the practice of practical nursing or an attempt to practice practical nursing as a licensed practical nurse without a valid certificate of registration as a licensed practical nurse:
- 3. the use of any words, abbreviations, figures or letters with intention of indicating practice as a registered professional nurse without a valid certificate as a registered nurse under this Act:
- 4 the use of any words, abbreviations, figure: or letters with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed practical nurse under this Act:
- 5. the obtaining of, or attempting to obtain a certificate of registration, by money or any other thing of value, or by fraudulent representation;
- 6. the making of any wilfully false oath or affirmation required by this Act.
- Sec. 24. The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby de-

clared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois. or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked or expired, from practicing professional nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired. may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing professional nursing without having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Sec. 26. The sum of \$25,000, or so much thereof as may be necessary, is appropriated to the Department of Registration and Education for the purpose of administering the provisions of this Act which relate to practical nursing.

Sec. 27. "An Act to revise the law in relation to the regulation of the practice of professional nursing and to repeal 'An Act to revise the law in relation to the regulation of the practice of nursing' approved June 19, 1919, as amended, and to make an appropriation therefor", approved July 8, 1947 as amended, is repealed.



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1955 THE ILLINOIS
Cop.2NURSING ACT

STATE OF ILLINOIS
WILLIAM G. STRATTON
Governor

CHAPTER 91-ILLINOIS REVISED STATUTES

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DEPARTMENT OF
REGISTRATION AND EDUCATION
VERA M. BINKS, Director

SPRINGFIELD

1955

(Printed by authority of the State of Illinois)

THE ILLINOIS NURSING ACT

SEC.

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- 25. Partial invalidity.
- 26. Appropriation.
- 27. Repeal.

AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an Act therein named. (Approved June 14, 1951)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be known and cited as "The Illinois Nursing Act."

Sec. 2. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois must submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

1. The employment in Federal government 1. The employment in Federal government institutions or agencies of nurses who are members of Federal agencies and are registered in some state in the United States;

2. The practice of nursing which is incidental to their program of study by students enrolled in schools of nursing approved by the Department;

3. The furnishing of nursing assistance in an emergency;

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The incidental care of the sick by members of the family, domestic servants or housekeepers, or care of the sick where treatment is by prayer or spiritual means:

- 5. The practice of professional nursing for a period not exceeding six months by one who has applied to the Department for a certificate of registration as a registered nurse within thirty days after employment as a professional nurse in this State and who has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate pending the taking of such examination and the decision of the Department thereon;
- 6. The practice of professional nursing for a period not exceeding six months in any calendar year by one who is a registered professional nurse under the laws of a foreign jurisdiction and who would be qualified to receive a certificate as a registered nurse under Section 21.
- Sec. 3. No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not affect or prohibit the practice of practical nursing without a certificate as a licensed practical nurse by any person not representing himself or herself to be a licensed practical nurse, nor does it apply to persons employed as nursing aides, attendants, orderlies and other auxilliary workers in private homes, hospitals or other institutions.

Sec. 4. When used in this Act:

1. "Professional nursing" means the performance under the direction of a licensed physician or dentist of professional services requiring an understanding of the principles of the biological, physical and social sciences, and an application of these principles in the care of the sick, the responsible supervision of a patient, the prevention of disease, and the conservation of health.

- 2. "Registered Nurse" means a person who is registered under this Act and who practices professional nursing as defined in paragraph 1 of this Section. A registered nurse registered under this Act only is entitled to use the title "registered nurse", and the abbreviation, "R.N."
- 3. "Practical nursing" means the performance under the direction of a licensed physician, dentist, or registered professional nurse of such simple nursing procedures as may be required in the care of a patient and the conservation of health.
- 4. "Practical nurse" means a person who practices practical nursing as defined in paragraph 3 of this Section. A practical nurse only licensed under this Act is entitled to use the title "licensed practical nurse", and the abbreviation "L.P.N.".
- 5. "Department" means the Department of Registration and Education.
- 6. "Director" means the Director of Registration and Education.
- 7. "Assistant Director" means the Assistant Director of Registration and Education.
- 8. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.
- 10. "Nursing Education Coordinator" means a registered professional nurse appointed by the Director to carry out the administrative policies of the Department.
- 11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

- Sec. 5. Subject to the provisions of this Act, the Department shall:
- 1. Prescribe rules defining what constitutes a school of professional nursing established within a hospital, college or university and a school of practical nursing which is reputable and in good standing. Nothing in this Act shall prohibit or exclude a hospital or other educational institution from establishing and maintaining an approved school of practical nursing.
- 2. Adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the reputability and good standing of such schools by reference to compliance with such rules.
- 3. Establish a minimum standard of preliminary education and maintenance to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.
- 4. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed practical nurses respectively.
- 5. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered professional nurses and for certificates of registration as licensed practical nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates

or authorities of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke or refuse to renew such licenses, certificates or authorities.

7. Formulate rules required for the administration of this Act.

Sec. 6. None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. The Director shall:

1. Appoint the Committee, which shall be composed of seven registered professional nurses. Four members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged in nursing education at the time of appointment. Two members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged, at the time of appointment, in nursing education in an approved school of practical nursing. One member shall be a certified public health nurse who shall have had a minimum of five years' experience in public health nursing education and shall be actively engaged in public health nursing at the time of appointment. The members shall be appointed for a term of five years, except that the first four members first appointed under this Act shall be appointed for terms of one, two, three or four years respectively as designated at the time of appointment. No member shall be eligible for appointment to more than two consecutive five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. The Committee shall carry out functions delegated to it by the Department.

- 2. Appoint a Nursing Education Coordinator and assistants. In appointing such persons the Director shall give consideration to recommendations of the Committee. The Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nursing. Each shall hold a bachelor's degree or its equivalent from an approved college or university; each shall have had at least five years' experience as an executive of an approved school of professional nursing, or as an instructor or director of the faculty of such school, though such experience of an assistant may be in an approved school of practical nursing, and each shall be actively engaged in such nursing education at the time the appointment is made. The Nursing Education Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director.
- Appoint an Adivsory Council of seven members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. The members shall be appointed for a term of five years except that four of the members first appointed under this Act shall be appointed for terms of one, two, three, and four years respectively as designated at the time of appointment. No member shall be eligible for reappointment for more than two five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general edu-

cation, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties.

- Sec. 8. A person shall be qualified to receive a certificate of registration as a registered professional nurse if he or she:
 - 1. is at least twenty years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so;
- has graduated from a high school or secondary school approved by the Department, or has completed an equivalent course of study as determined by an examination conducted by the Department;
- 4. has completed a program of study of at least three years in a hospital school of nursing approved by the Department which may include not more than eight months credit for a graduate of a college or university approved by the Department; or has completed a program of study leading to a degree offered by a school of nursing organized within or affiliated with a university or college, of which not less than two years shall include professional study and experience approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness

to receive a certificate of registration as a registered professional nurse; or

- 6. has practiced professional nursing at least two years within the five year period preceding July 1, 1947, and has qualifications which would have enabled such person at time of graduation from a school of nursing then approved by the Department to take an examination to be certified as a registered or graduate nurse under any act relating to nursing heretofore approved by the General Assembly of the State of Illinois by making application therefor with the Department, proving satisfactorily to it that he or she has possessed such qualifications and passing oral examination at any time prior to July 1, 1952 administered by the Department to determine his or her fitness for certification as a registered nurse.
- Sec. 9. A person shall be qualified to receive a certificate as a licensed practical nurse if he or she:
 - 1. is at least eighteen years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so;
- 3. has completed a two year course of study in a high school or secondary school approved by the Department or an equivalent course of study as determined by an examination conducted by the Department; or has completed a course of study in the eight grades of a grammar or primary school or an equivalent course of study that may be determined at any time by an examination conducted by the Department and has passed his or her twenty-fifth birthday before July 1, 1951;

- 4. has completed a program of study of at least nine months in a school of practical nursing approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse; or
- 6. any person who possesses the qualifications as to age, character, and citizenship as provided in the foregoing portion of this Section, has practiced practical nursing in Illinois for two years in the five years immediately preceding January 1, 1953, submits verified affidavits of two licensed practicing physicians or two practicing registered professional nurses, certifying on personal knowledge that such practice has been satisfactorily performed for said period, may become licensed as a practical nurse at any time prior to January 1. 1953, by making application therefor to the Department and passing an examination in practical nursing skills wholly or in part in writing conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse.
- Sec. 10. Whoever desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.
- Sec. 11. The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for

certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.

Sec. 12. The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service, authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1 in any year, shall expire on that date.

Sec. 14. A registered professional nurse or licensed practical nurse whose certificate of registration has expired may have it restored immediately upon payment of all lapsed renewal fees and the required restoration fee if not more than five years have elapsed since the date of expiration or beyond five years if within two years after honorable termination of military service with the United States when such certificate has expired during such serv-

ice. Any registered professional nurse or licensed practical nurse whose certificate of registration has expired for more than five years unless if beyond such time within two years after honorable termination of military service with the United States when such certificate has expired during such service, may have it restored only by passing a satisfactory examination conducted by the Department to determine his or her fitness to have it restored and by paying the required fee.

Sec. 15. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration as a registered professional nurse or as a licensed practical nurse for any of the following causes or combination of them:

- 1. wilfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit forming drugs;
- 2. wilfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;
- the obtaining of, or attempting to obtain, a certificate of registration by money or any other thing of value or by fraudulent representation;
- 4. gross negligence in the practice of professional nursing or practical nursing;
- 5. continued practice by a person knowingly having an infectious, communicable, or contagious disease;
- 6. habitual drunkeness, or habitual addiction to the use of morphine, cocaine, or other habit forming drug;
 - 7. conviction of a crime;
- 8. failure to file a petition for naturalization within ninety days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under

the naturalization act within ninety days thereafter.

The entry of a decree by any court of competent jurisdiction establishing the mental illness of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate of registration has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice.

- Sec. 16. Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.
- Sec. 17. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".
- Sec. 18. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of seventy cents per page for the original and twenty-five cents per page for each carbon copy thereof representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

- Sec. 19. An order of revocation or suspeusion, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:
- 1. such signature is the genuine signature of the Director:
- 2. that such Director is duly appointed and qualified;
- 3. that the Committee and the members thereof are qualified to act.
- Sec. 20. Appeals from all final orders and judgments entered by a circuit or superior court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to the Supreme Court.
- Sec. 21. Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional

nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and

- 3. if he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within ninety days after becoming eligible to do so.
- Sec. 22. 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$10.00, and as a licensed practical nurse is \$7.50. No further fee shall be charged for issuing the certificate of registration.
- 2. The fee to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse is \$2.00.
- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jurisdiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$10.00; and as a licensed practical nurse \$7.50.
- 5. The fee to be paid for the restoration of a certificate of registration which has expired not more than five years is \$2.00 plus all lapsed renewal fees.

- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than five years is: for a registered professional nurse \$10.00; and for a licensed practical nurse \$7.50.
- Sec. 23. Each of the following acts is punishable by a fine of not less than \$50.00, nor more than \$500.00 or by imprisonment in the county jail for not less than one month nor more than six months, or both:
- 1. the practice of professional nursing or an attempt to practice professional nursing without a valid certificate of registration as a registered professional nurse;
- 2. the practice of practical nursing or an attempt to practice practical nursing as a licensed practical nurse without a valid certificate of registration as a licensed practical nurse:
- 3. the use of any words, abbreviations, figures or letters with intention of indicating practice as a registered professional nurse without a valid certificate as a registered nurse under this Act;
- 4. the use of any words, abbreviations, figures or letters with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed practical nurse under this Act;
- 5. the obtaining of, or attempting to obtain a certificate of registration, by money or any other thing of value, or by fraudulent representation:
- 6. the making of any wilfully false oath or affirmation required by this Act.
- Sec. 24. The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby de-

clared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked or expired, from practicing professional nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired. may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing professional nursing without having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Sec. 26. The sum of \$25,000, or so much thereof as may be necessary, is appropriated to the Department of Registration and Education for the purpose of administering the provisions of this Act which relate to practical nursing.

Sec. 27. "An Act to revise the law in relation to the regulation of the practice of professional nursing and to repeal 'An Act to revise the law in relation to the regulation of the practice of nursing approved June 19, 1919, as amended, and to make an appropriation therefor", approved July 8, 1947 as amended, is repealed.



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Il63n THE ILLINOIS

1956 NURSING ACT

STATE OF ILLINOIS
WILLIAM G. STRATTON
Governor

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TO BE THE STRATTON OF THE STRATE OF THE STRATE

REGISTRATION AND EDUCATION VERA M. BINKS. Director

SPRINGFIELD

1956

(Printed by authority of the State of Illinois)

THE ILLINOIS NURSING ACT

SEC.

- 1. Short Title.
- Necessity of Practice—Professional Nursing— Acts not prohibited.
- 3. Practical Nursing-Acts not prohibited.
- 4. Definitions.
- 5. Powers and duties of Department.
- 6. Written action of majority, necessary.
- Duties and functions of director—committee nursing education coordinator and assistant advisory council.
- Requirements for Professional Nurse registration.
- 9. Requirements for Practical Nurse license.
- Application for certification registration or license.
- Examinations.
- 12. Issuance of certificates—certificates previously issued.
- 13. Renewal of certificates.
- 14. Restoration of expired certificates.
- Refusal, suspension or revocation of certificate
 —cause—resignation of practice after suspension for mental illness.
- 16. Manner of revocation of certificate.
- 17. Review of administrative decisions.
- 18. Certification of record or other appearance in proceeding for review—Fee.
- 19. Order of revocation prima facie evidence.
- 20. Appeal to Supreme Court.
- 21. Reciprocity.
- 22. Fees.
- 23. Offenses-Penalty.
- 24. Injunctive relief.
- 25. Partial invalidity.
- 26. Appropriation.
- 27. Repeal.

614-05 Il 63 n 1356

AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an Act therein named. (Approved June 14, 1951)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be known and cited as "The Illinois Nursing Act."

Sec. 2. For the protection of life and the promotion of health, and the prevention of Illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois must submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

1. The employment in Federal government institutions or agencies of nurses who are members of Federal agencies and are registered in some state in the United States;

2. The practice of nursing which is incidental to their program of study by students enrolled in schools of nursing approved by the

Department:

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3. The furnishing of nursing assistance in

an emergency;

4. The incidental care of the sick by members of the family, domestic servants or house-keepers, or care of the sick where treatment is by prayer or spiritual means;

- 5. The practice of professional nursing for a period not exceeding six months by one who has applied to the Department for a certificate of registration as a registered nurse within thirty days after employment as a professional nurse in this State and who has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate pending the taking of such examination and the decision of the Department thereon;
- 6. The practice of professional nursing for a period not exceeding six months in any calendar year by one who is a registered professional nurse under the laws of a foreign jurisdiction and who would be qualified to receive a certificate as a registered nurse under Section 21.
- Sec. 3. No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not affect or prohibit the practice of practical nursing without a certificate as a licensed practical nurse by any person not representing himself or herself to be a licensed practical nurse, nor does it apply to persons employed as nursing aides, attendants, orderlies and other auxilliary workers in private homes, hospitals or other institutions.

Sec. 4. When used in this Act:

1. "Professional nursing" means the performance under the direction of a licensed physician or dentist of professional services requiring an understanding of the principles of the biological, physical and social sciences, and an application of these principles in the care of the sick, the responsible supervision of a patient, the prevention of disease, and the conservation of health.

- 2. "Registered Nurse" means a person who is registered under this Act and who practices professional nursing as defined in paragraph 1 of this Section. A registered nurse registered under this Act only is entitled to use the title "registered nurse", and the abbreviation, "R.N.".
- 3. "Practical nursing" means the performance under the direction of a licensed physician, dentist, or registered professional nurse of such simple nursing procedures as may be required in the care of a patient and the conservation of health.
- 4. "Practical nurse" means a person who practices practical nursing as defined in paragraph 3 of this Section. A practical nurse only licensed under this Act is entitled to use the title "licensed practical nurse", and the abbreviation "L.P.N.".
- 5. "Department" means the Department of Registration and Education.
- 6. "Director" means the Director of Registration and Education.
- 7. "Assistant Director" means the Assistant Director of Registration and Education.
- "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.
- 10. "Nursing Education Coordinator" means a registered professional nurse appointed by the Director to carry out the administrative policies of the Department.
- 11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

- Sec. 5. Subject to the provisions of this Act, the Department shall:
- 1. Prescribe rules defining what constitutes a school of professional nursing established within a hospital, college or university and a school of practical nursing which is reputable and in good standing. Nothing in this Act shall prohibit or exclude a hospital or other educational institution from establishing and maintaining an approved school of practical nursing.
- 2. Adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the reputability and good standing of such schools by reference to compliance with such rules.
- 3. Establish a minimum standard of preliminary education and maintenance to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.
- 4. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed practical nurses respectively.
- 5. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered professional nurses and for certificates of registration as licensed practical nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- 6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates

or authorities of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke or refuse to renew such licenses, certificates or authorities.

- 7. Formulate rules required for the administration of this Act.
- Sec. 6. None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. The Director shall:

1. Appoint the Committee, which shall be composed of seven registered professional nurses. Four members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged in nursing education at the time of appointment. Two members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged, at the time of appointment, in nursing education in an approved school of practical nursing. One member shall be a certified public health nurse who shall have had a minimum of five years' experience in public health nursing education and shall be actively engaged in public health nursing at the time of appointment. The members shall be appointed for a term of five years, except that the first four members first appointed under this Act shall be appointed for terms of one, two, three or four years respectively as designated at the time of appointment. No member shall be eligible for appointment to more than two consecutive five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. The Committee shall carry out functions delegated to it by the Department.

- 2. Appoint a Nursing Education Coordinator and assistants. In appointing such persons the Director shall give consideration to recommendations of the Committee. The Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nurs-Each shall hold a bachelor's degree or its equivalent from an approved college or university; each shall have had at least five years' experience as an executive of an approved school of professional nursing, or as an instructor or director of the faculty of such school, though such experience of an assistant may be in an approved school of practical nursing, and each shall be actively engaged in such nursing education at the time the appointment is made. The Nursing Education Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director.
- Appoint an Advisory Council of seven members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. The members shall be appointed for a term of five years except that four of the members first appointed under this Act shall be appointed for terms of one, two, three, and four years respectively as designated at the time of appointment. No member shall be eligible for reappointment for more than two five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general edu-

cation, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties.

- Sec. 8. A person shall be qualified to receive a certificate of registration as a registered professional nurse if he or she:
 - 1. is at least twenty years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so:
- 3. has graduated from a high school or secondary school approved by the Department, or has completed an equivalent course of study as determined by an examination conducted by the Department;
- 4. has completed a program of study of at least three years in a hospital school of nursing approved by the Department which may include not more than eight months credit for a graduate of a college or university approved by the Department; or has completed a program of study leading to a degree offered by a school of nursing organized within or affiliated with a university or college, of which not less than two years shall include professional study and experience approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness

to receive a certificate of registration as a registered professional nurse; or

- 6. has practiced professional nursing at least two years within the five year period preceding July 1, 1947, and has qualifications which would have enabled such person at time of graduation from a school of nursing then approved by the Department to take an examination to be certified as a registered or graduate nurse under any act relating to nursing heretofore approved by the General Assembly of the State of Illinois by making application therefor with the Department, proving satisfactorily to it that he or she has possessed such qualifications and passing oral examination at any time prior to July 1, 1952 administered by the Department to determine his or her fitness for certification as a registered nurse
- Sec. 9. A person shall be qualified to receive a certificate as a licensed practical nurse if he or she:
 - 1. is at least eighteen years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so:
- 3. has completed a two year course of study in a high school or secondary school approved by the Department or an equivalent course of study as determined by an examination conducted by the Department; or has completed a course of study in the eight grades of a grammar or primary school or an equivalent course of study that may be determined at any time by an examination conducted by the Department and has passed his or her twenty-fifth birthday before July 1, 1951;

- 4. has completed a program of study of at least nine months in a school of practical nursing approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse; or
- 6. any person who possesses the qualifications as to age, character, and citizenship as provided in the foregoing portion of this Section, has practiced practical nursing in Illinois for two years in the five years immediately preceding January 1, 1953, submits verified affidavits of two licensed practicing physicians or two practicing registered professional nurses, certifying on personal knowledge that such practice has been satisfactorily performed for said period, may become licensed as a practical nurse at any time prior to January 1. 1953, by making application therefor to the Department and passing an examination in practical nursing skills wholly or in part in writing conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse.
- Sec. 10. Whoever desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.
- Sec. 11. The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for

certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.

Sec. 12. The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service. authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1 in any year, shall expire on that date.

Sec. 14. A registered professional nurse or licensed practical nurse whose certificate of registration has expired may have it restored immediately upon payment of all lapsed renewal fees and the required restoration fee if not more than five years have elapsed since the date of expiration or beyond five years if within two years after honorable termination of military service with the United States when such certificate has expired during such serv-

ice. Any registered professional nurse or licensed practical nurse whose certificate of registration has expired for more than five years unless if beyond such time within two years after honorable termination of military service with the United States when such certificate has expired during such service, may have it restored only by passing a satisfactory examination conducted by the Department to determine his or her fitness to have it restored and by paying the required fee.

Sec. 15. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration as a registered professional nurse or as a licensed practical nurse for any of the following causes or combination of them:

- 1. wilfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit forming drugs;
- 2. wilfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;
- 3. the obtaining of, or attempting to obtain, a certificate of registration by money or any other thing of value or by fraudulent representation:
- 4. gross negligence in the practice of professional nursing or practical nursing;
- 5. continued practice by a person knowingly having an infectious, communicable, or contagious disease;
- habitual drunkeness, or habitual addiction to the use of morphine, cocaine, or other habit forming drug;
 - 7. conviction of a crime;
- 8. failure to file a petition for naturalization within ninety days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under

the naturalization act within ninety days thereafter.

The entry of a decree by any court of competent jurisdiction establishing the mental illness of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate of registration has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice.

- Sec. 16. Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.
- Sec. 17. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".
- Sec. 18. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of seventy cents per page for the original and twenty-five cents per page for each carbon copy thereof representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

- Sec. 19. An order of revocation or suspension, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:
- 1. such signature is the genuine signature of the Director;
- 2. that such Director is duly appointed and qualified;
- 3. that the Committee and the members thereof are qualified to act.
- Sec. 20. Appeals from all final orders and judgments entered by a circuit or superior court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to the Supreme Court.
- Sec. 21. Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional

nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and

- 3. if he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within ninety days after becoming eligible to do so.
- Sec. 22. 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$10.00, and as a licensed practical nurse is \$7.50. No further fee shall be charged for issuing the certificate of registration.
- 2. The fee to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse is \$2.00.
- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jurisdiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$10.00; and as a licensed practical nurse \$7.50.
- 5. The fee to be paid for the restoration of a certificate of registration which has expired not more than five years is \$2.00 plus all lapsed renewal fees.

- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than five years is: for a registered professional nurse \$10.00; and for a licensed practical nurse \$7.50.
- Sec. 23. Each of the following acts is punishable by a fine of not less than \$50.00, nor more than \$500.00 or by imprisonment in the county jail for not less than one month nor more than six months, or both:
- 1. the practice of professional nursing or an attempt to practice professional nursing without a valid certificate of registration as a registered professional nurse;
- 2. the practice of practical nursing or an attempt to practice practical nursing as a licensed practical nurse without a valid certificate of registration as a licensed practical nurse:
- 3. the use of any words, abbreviations, figures or letters with intention of indicating practice as a registered professional nurse without a valid certificate as a registered nurse under this Act:
- 4. the use of any words, abbreviations, figures or letters with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed practical nurse under this Act;
- 5. the obtaining of, or attempting to obtain a certificate of registration, by money or any other thing of value, or by fraudulent representation;
- 6. the making of any wilfully false oath or affirmation required by this Act.
- Sec. 24. The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby de-

clared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois. or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked or expired, from practicing professional nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired. may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing professional nursing without having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Sec. 26. The sum of \$25,000, or so much thereof as may be necessary, is appropriated to the Department of Registration and Education for the purpose of administering the provisions of this Act which relate to practical nursing.

Sec. 27. "An Act to revise the law in relation to the regulation of the practice of professional nursing and to repeal 'An Act to revise the law in relation to the regulation of the practice of nursing' approved June 19, 1919, as amended, and to make an appropriation therefor", approved July 8, 1947 as amended, is repealed.



614.09 I.163n 1957

Cop. 2 THE ILLINOIS

NURSING ACT

CHAPTER 91-ILLINOIS REVISED STATUTES

STATE OF ILLINOIS
WILLIAM G. STRATTON
Governor



REGISTRATION AND EDUCATION

VERA M. BINKS, Director

SPRINGFIELD

1957

(Printed by authority of the State of Illinois)



THE ILLINOIS NURSING ACT

SEC.

- 1. Short Title.
- Necessity of Practice—Professional Nursing— Acts not prohibited.
- 3. Practical Nursing-Acts not prohibited.
- 4. Definitions.
- 5. Powers and duties of Department.
- 6. Written action of majority, necessary.
- Duties and functions of director—committee nursing education coordinator and assistant advisory council.
- 8. Requirements for Professional Nurse regista-
- 9. Requirements for Practical Nurse license.
- Application for certification registration or license.
- Examinations.
- 12. Issuance of certificates—certificates previously issued.
- 13. Renewal of certificates.
- 14. Restoration of expired certificates.
- Refusal, suspension or revocation of certificate
 —cause—resignation of practice after suspension for mental illness.
- 16. Manner of revocation of certificate.
- 17. Review of administrative decisions.
- 18. Certification of record or other appearance in proceeding for review—Fee.
- 19. Order of revocation prima facie evidence.
- 20. Appeal to Supreme Court.
- 21. Reciprocity.
- 22. Fees.
- 23. Offenses-Penalty.
- 24. Injunctive relief.
- 25. Partial invalidity.
- 26. Appropriation.
- 27. Repeal.

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AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an Act therein named. (Approved June 14, 1951)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be known and cited as "The Illinois Nursing Act."

Sec. 2. For the protection of life and the promotion of health, and the prevention of lilness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois must submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

1. The employment in Federal government institutions or agencies of nurses who are members of Federal agencies and are registered in some state in the United States;

2. The practice of nursing which is incidental to their program of study by students enrolled in schools of nursing approved by the

Department;

3. The furnishing of nursing assistance in

an emergency;

4. The incidental care of the sick by members of the family, domestic servants or house-keepers, or care of the sick where treatment is by prayer or spiritual means;

- 5. The practice of professional nursing for a period not exceeding six months by one who has applied to the Department for a certificate of registration as a registered nurse within thirty days after employment as a professional nurse in this State and who has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate pending the taking of such examination and the decision of the Department thereon;
- 6. The practice of professional nursing for a period not exceeding six months in any calendar year by one who is a registered professional nurse under the laws of a foreign jurisdiction and who would be qualified to receive a certificate as a registered nurse under Section 21.
- Sec. 3. No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not affect or prohibit the practice of practical nursing without a certificate as a licensed practical nurse by any person not representing himself or herself to be a licensed practical nurse, nor does it apply to persons employed as nursing aides, attendants, orderlies and other auxilliary workers in private homes, hospitals or other institutions.

Sec. 4. When used in this Act:

1. "Professional nursing" means the performance under the direction of a licensed physician or dentist of professional services requiring an understanding of the principles of the biological, physical and social sciences, and an application of these principles in the care of the sick, the responsible supervision of a patient, the prevention of disease, and the conservation of health.

- 2. "Registered Nurse" means a person who is registered under this Act and who practices professional nursing as defined in paragraph 1 of this Section. A registered nurse registered under this Act only is entitled to use the title "registered nurse", and the abbreviation, "R.N.".
- 3. "Practical nursing" means the performance under the direction of a licensed physician, dentist, or registered professional nurse of such simple nursing procedures as may be required in the care of a patient and the conservation of health.
- 4. "Practical nurse" means a person who practices practical nursing as defined in paragraph 3 of this Section. A practical nurse only licensed under this Act is entitled to use the title "licensed practical nurse", and the abbreviation "L.P.N.".
- 5. "Department" means the Department of Registration and Education.
- 6. "Director" means the Director of Registration and Education.
- 7. "Assistant Director" means the Assistant Director of Registration and Education.
- 8. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.
- 10. "Nursing Education Coordinator" means a registered professional nurse appointed by the Director to carry out the administrative policies of the Department.
- 11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

- Sec. 5. Subject to the provisions of this Act, the Department shall:
- 1. Prescribe rules defining what constitutes a school of professional nursing established within a hospital, college or university and a school of practical nursing which is reputable and in good standing. Nothing in this Act shall prohibit or exclude a hospital or other educational institution from establishing and maintaining an approved school of practical nursing.
- 2. Adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the reputability and good standing of such schools by reference to compliance with such rules.
- 3. Establish a minimum standard of preliminary education and maintenance to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.
- 4. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed practical nurses respectively.
- 5. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered professional nurses and for certificates of registration as licensed practical nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- 6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates

or authorities of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke or refuse to renew such licenses, certificates or authorities.

- 7. Formulate rules required for the administration of this Act.
- Sec. 6. None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. The Director shall:

1. Appoint the Committee, which shall be composed of seven registered professional nurses. Four members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged in nursing education at the time of appointment. Two members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged, at the time of appointment, in nursing education in an approved school of practical nursing. One member shall be a certified public health nurse who shall have had a minimum of five years' experience in public health nursing education and shall be actively engaged in public health nursing at the time of appointment. The members shall be appointed for a term of five years, except that the first four members first appointed under this Act shall be appointed for terms of one, two, three or four years respectively as designated at the time of appointment. No member shall be eligible for appointment to more than two consecutive five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. The Committee shall carry out functions delegated to it by the Department.

- 2. Appoint a Nursing Education Coordinator and assistants. In appointing such persons the Director shall give consideration to recommendations of the Committee. The Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nursing. Each shall hold a bachelor's degree or its equivalent from an approved college or university; each shall have had at least five years' experience as an executive of an approved school of professional nursing, or as an instructor or director of the faculty of such school, though such experience of an assistant may be in an approved school of practical nursing, and each shall be actively engaged in such nursing education at the time the appointment is made. The Nursing Education Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director.
- Appoint an Advisory Council of seven members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. The members shall be appointed for a term of five years except that four of the members first appointed under this Act shall be appointed for terms of one, two, three, and four years respectively as designated at the time of appointment. No member shall be eligible for reappointment for more than two five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general edu-

cation, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties.

- Sec. 8. A person shall be qualified to receive a certificate of registration as a registered professional nurse if he or she:
 - 1. is at least twenty years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so;
- 3. has graduated from a high school or secondary school approved by the Department, or has completed an equivalent course of study as determined by an examination conducted by the Department;
- 4. has completed a program of study of at least three years in a hospital school of nursing approved by the Department which may include not more than eight months credit for a graduate of a college or university approved by the Department; or has completed a program of study leading to a degree offered by a school of nursing organized within or affiliated with a university or college, of which not less than two years shall include professional study and experience approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness

to receive a certificate of registration as a registered professional nurse; or

- 6. has practiced professional nursing at least two years within the five year period preceding July 1, 1947, and has qualifications which would have enabled such person at time of graduation from a school of nursing then approved by the Department to take an examination to be certified as a registered or graduate nurse under any act relating to nursing heretofore approved by the General Assembly of the State of Illinois by making application therefor with the Department, proving satisfactorily to it that he or she has possessed such qualifications and passing oral examination at any time prior to July 1, 1952 administered by the Department to determine his or her fitness for certification as a registered nurse.
- Sec. 9. A person shall be qualified to receive a certificate as a licensed practical nurse if he or she:
 - 1. is at least eighteen years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so:
- 3. has completed a two year course of study in a high school or secondary school approved by the Department or an equivalent course of study as determined by an examination conducted by the Department; or has completed a course of study in the eight grades of a grammar or primary school or an equivalent course of study that may be determined at any time by an examination conducted by the Department and has passed his or her twenty-fifth birthday before July 1, 1951;

- 4. has completed a program of study of at least nine months in a school of practical nursing approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse; or
- 6. any person who possesses the qualifications as to age, character, and citizenship as provided in the foregoing portion of this Section, has practiced practical nursing in Illinois for two years in the five years immediately preceding January 1, 1953, submits verified affidavits of two licensed practicing physicians or two practicing registered professional nurses, certifying on personal knowledge that such practice has been satisfactorily performed for said period, may become licensed as a practical nurse at any time prior to January 1, 1953, by making application therefor to the Department and passing an examination in practical nursing skills wholly or in part in writing conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse.
- Sec. 10. Whoever desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.
- Sec. 11. The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for

certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.

Sec. 12. The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service. authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1 in any year, shall expire on that date.

Sec. 14. A registered professional nurse or licensed practical nurse whose certificate of registration has expired may have it restored immediately upon payment of all lapsed renewal fees and the required restoration fee if not more than five years have elapsed since the date of expiration or beyond five years if within two years after honorable termination of military service with the United States when such certificate has expired during such serv-

ice. Any registered professional nurse or licensed practical nurse whose certificate of registration has expired for more than five years unless if beyond such time within two years after honorable termination of military service with the United States when such certificate has expired during such service, may have it restored only by passing a satisfactory examination conducted by the Department to determine his or her fitness to have it restored and by paying the required fee.

- Sec. 15. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration as a registered professional nurse or as a licensed practical nurse for any of the following causes or combination of them:
- 1. wilfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit forming drugs;
- 2. wilfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;
- the obtaining of, or attempting to obtain, a certificate of registration by money or any other thing of value or by fraudulent representation;
- 4. gross negligence in the practice of professional nursing or practical nursing;
- 5. continued practice by a person knowingly having an infectious, communicable, or contagious disease;
- 6. habitual drunkeness, or habitual addiction to the use of morphine, cocaine, or other habit forming drug;
 - 7. conviction of a crime;
- 8. failure to file a petition for naturalization within ninety days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under

the naturalization act within ninety days thereafter.

The entry of a decree by any court of competent jurisdiction establishing the mental illness of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate of registration has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice.

- Sec. 16. Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.
- Sec. 17. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".
- Sec. 18. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of seventy cents per page for the original and twenty-five cents per page for each carbon copy thereof representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

- Sec. 19. An order of revocation or suspension, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:
- 1. such signature is the genuine signature of the Director;
- 2. that such Director is duly appointed and qualified;
- 3. that the Committee and the members thereof are qualified to act.
- Sec. 20. Appeals from all final orders and judgments entered by a circuit or superior court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to the Supreme Court.
- Sec. 21. Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional

nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and

- 3. If he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within ninety days after becoming eligible to do so.
- Sec. 22. 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$10.00, and as a licensed practical nurse is \$7.50. No further fee shall be charged for issuing the certificate of registration.
- 2. The fee to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse is \$2.00.
- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jurisdiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$10.00; and as a licensed practical nurse \$7.50.
- 5. The fee to be paid for the restoration of a certificate of registration which has expired not more than five years is \$2.00 plus all lapsed renewal fees.

- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than five years is: for a registered professional nurse \$10.00; and for a licensed practical nurse \$7.50.
- Sec. 23. Each of the following acts is punishable by a fine of not less than \$50.00, nor more than \$500.00 or by imprisonment in the county jail for not less than one month nor more than six months, or both:
- 1. the practice of professional nursing or an attempt to practice professional nursing without a valid certificate of registration as a registered professional nurse;
- 2. the practice of practical nursing or an attempt to practice practical nursing as a licensed practical nurse without a valid certificate of registration as a licensed practical nurse:
- 3. the use of any words, abbreviations, figures or letters with intention of indicating practice as a registered professional nurse without a valid certificate as a registered nurse under this Act;
- 4. the use of any words, abbreviations, figures or letters with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed practical nurse under this Act;
- 5. the obtaining of, or attempting to obtain a certificate of registration, by money or any other thing of value, or by fraudulent representation;
- 6. the making of any wilfully false oath or affirmation required by this Act.
- Sec. 24. The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby de-

clared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois. or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked or expired, from practicing professional nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing professional nursing without having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Sec. 26. The sum of \$25,000, or so much thereof as may be necessary, is appropriated to the Department of Registration and Education for the purpose of administering the provisions of this Act which relate to practical nursing.

Sec. 27. "An Act to revise the law in relation to the regulation of the practice of professional nursing and to repeal 'An Act to revise the law in relation to the regulation of the practice of nursing' approved June 19, 1919, as amended, and to make an appropriation therefor", approved July 8, 1947 as amended, is repealed.

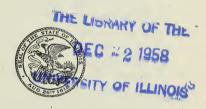


614.09 IL 63 m 1958 THE ILLINOIS

COP. 2 NURSING ACT

CHAPTER 91-ILLINOIS REVISED STATUTES

STATE OF ILLINOIS
WILLIAM G. STRATTON
Governor



DEPARTMENT OF
REGISTRATION AND EDUCATION
VERA M. BINKS, Director

SPRINGFIELD

1958

(Printed by authority of the State of Illinois)

THE ILLINOIS NURSING ACT

SEC

- 1. Short Title.
- Necessity of Practice—Professional Nursing— Acts not prohibited.
- 3. Practical Nursing-Acts not prohibited.
- 4. Definitions.
- 5. Powers and duties of Department.
- 6. Written action of majority, necessary.
- Duties and functions of director—committee nursing education coordinator and assistant advisory council.
- 8. Requirements for Professional Nurse regista-
- 3. Requirements for Practical Nurse license.
- 10. Application for certification registration or
- 11. Examinations.
- 12. Issuance of certificates—certificates previously issued.
- 18. Renewal of certificates.
 - 14. Restoration of expired certificates.
 - Refusal, suspension or revocation of certificate
 —cause—resignation of practice after suspension for mental illness.
 - 16. Manner of revocation of certificate.
 - 17. Review of administrative decisions.
 - Certification of record or other appearance in proceeding for review—Fee.
 - 19. Order of revocation prima facie evidence.
 - 20. Appeal to Supreme Court.
 - 21. Reciprocity.
 - 22. Fees.
 - 23. Offenses-Penalty.
 - 24. Injunctive relief.25. Partial invalidity.
 - 26. Appropriation.
 - 27. Repeal.

614.09 Il 63n 1958

AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an Act therein named. (Approved June 14, 1951)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be known and cited as "The Illinois Nursing Act."

Sec. 2. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois must submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

 The employment in Federal government institutions or agencies of nurses who are members of Federal agencies and are registered in some state in the United States;

2. The practice of nursing which is incidental to their program of study by students enrolled in schools of nursing approved by the Department:

3. The furnishing of nursing assistance in

an emergency;

4. The incidental care of the sick by members of the family, domestic servants or house-keepers, or care of the sick where treatment is by prayer or spiritual means;

- 5. The practice of professional nursing for a period not exceeding six months by one who has applied to the Department for a certificate of registration as a registered nurse within thirty days after employment as a professional nurse in this State and who has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate pending the taking of such examination and the decision of the Department thereon;
- 6. The practice of professional nursing for a period not exceeding six months in any calendar year by one who is a registered professional nurse under the laws of a foreign jurisdiction and who would be qualified to receive a certificate as a registered nurse under Section 21.
- Sec. 3. No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not affect or prohibit the practice of practical nursing without a certificate as a licensed practical nurse by any person not representing himself or herself to be a licensed practical nurse, nor does it apply to persons employed as nursing aides, attendants, orderlies and other auxilliary workers in private homes, hospitals or other institutions.

Sec. 4. When used in this Act:

1. "Professional nursing" means the performance under the direction of a licensed physician or dentist of professional services requiring an understanding of the principles of the biological, physical and social sciences, and an application of these principles in the care of the sick, the responsible supervision of a patient, the prevention of disease, and the conservation of health.

- 2. "Registered Nurse" means a person who is registered under this Act and who practices professional nursing as defined in paragraph 1 of this Section. A registered nurse registered under this Act only is entitled to use the title "registered nurse", and the abbreviation, "R.N.".
- 3. "Practical nursing" means the performance under the direction of a licensed physician, dentist, or registered professional nurse of such simple nursing procedures as may be required in the care of a patient and the conservation of health.
- 4. "Practical nurse" means a person who practices practical nursing as defined in paragraph 3 of this Section. A practical nurse only licensed under this Act is entitled to use the title "licensed practical nurse", and the abbreviation "L.P.N.".
- 5. "Department" means the Department of Registration and Education.
- 6. "Director" means the Director of Registration and Education.
- 7. "Assistant Director" means the Assistant Director of Registration and Education.
- 8. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.
- 10. "Nursing Education Coordinator" means a registered professional nurse appointed by the Director to carry out the administrative policies of the Department.
- 11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

- Sec. 5. Subject to the provisions of this Act, the Department shall:
- 1. Prescribe rules defining what constitutes a school of professional nursing established within a hospital, college or university and a school of practical nursing which is reputable and in good standing. Nothing in this Act shall prohibit or exclude a hospital or other educational institution from establishing and maintaining an approved school of practical nursing.
- 2. Adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the reputability and good standing of such schools by reference to compliance with such rules.
- 3. Establish a minimum standard of preliminary education and maintenance to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.
- 4. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed practical nurses respectively.
- 5. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered professional nurses and for certificates of registration as licensed practical nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- 6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates

or authorities of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke or refuse to renew such licenses, certificates or authorities.

- 7. Formulate rules required for the administration of this Act.
- Sec. 6. None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. The Director shall:

1. Appoint the Committee, which shall be composed of seven registered professional nurses. Four members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged in nursing education at the time of appointment. Two members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged, at the time of appointment, in nursing education in an approved school of practical nursing. One member shall be a certified public health nurse who shall have had a minimum of five years' experience in public health nursing education and shall be actively engaged in public health nursing at the time of appointment. The members shall be appointed for a term of five years, except that the first four members first appointed under this Act shall be appointed for terms of one, two, three or four years respectively as designated at the time of appointment. No member shall be eligible for appointment to more than two consecutive five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. The Committee shall carry out functions delegated to it by the Department.

- Appoint a Nursing Education Coordinator and assistants. In appointing such persons the Director shall give consideration to recommendations of the Committee. The Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nursing. Each shall hold a bachelor's degree or its equivalent from an approved college or university; each shall have had at least five years' experience as an executive of an approved school of professional nursing, or as an instructor or director of the faculty of such school, though such experience of an assistant may be in an approved school of practical nursing, and each shall be actively engaged in such nursing education at the time the appointment is made. The Nursing Education Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director.
- 3. Appoint an Advisory Council of seven members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. The members shall be appointed for a term of five years except that four of the members first appointed under this Act shall be appointed for terms of one, two, three, and four years respectively as designated at the time of appointment. No member shall be eligible for reappointment for more than two five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general edu-

cation, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties.

- Sec. 8. A person shall be qualified to receive a certificate of registration as a registered professional nurse if he or she:
 - 1. is at least twenty years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so:
- 3. has graduated from a high school or secondary school approved by the Department, or has completed an equivalent course of study as determined by an examination conducted by the Department;
- 4. has completed a program of study of at least three years in a hospital school of nursing approved by the Department which may include not more than eight months credit for a graduate of a college or university approved by the Department; or has completed a program of study leading to a degree offered by a school of nursing organized within or affiliated with a university or college, of which not less than two years shall include professional study and experience approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness

to receive a certificate of registration as a registered professional nurse; or

- 6. has practiced professional nursing at least two years within the five year period preceding July 1, 1947, and has qualifications which would have enabled such person at time of graduation from a school of nursing then approved by the Department to take an examination to be certified as a registered or graduate nurse under any act relating to nursing heretofore approved by the General Assembly of the State of Illinois by making application therefor with the Department, proving satisfactorily to it that he or she has possessed such qualifications and passing oral examination at any time prior to July 1, 1952 administered by the Department to determine his or her fitness for certification as a registered nurse.
- Sec. 9. A person shall be qualified to receive a certificate as a licensed practical nurse if he or she:
 - 1. is at least eighteen years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so:
- 3. has completed a two year course of study in a high school or secondary school approved by the Department or an equivalent course of study as determined by an examination conducted by the Department; or has completed a course of study in the eight grades of a grammar or primary school or an equivalent course of study that may be determined at any time by an examination conducted by the Department and has passed his or her twenty-fifth birthday before July 1, 1951;

- 4. has completed a program of study of at least nine months in a school of practical nursing approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse; or
- 6. any person who possesses the qualifications as to age, character, and citizenship as provided in the foregoing portion of this Section, has practiced practical nursing in Illinois for two years in the five years immediately preceding January 1, 1953, submits verified affidavits of two licensed practicing physicians two practicing registered professional nurses, certifying on personal knowledge that such practice has been satisfactorily performed for said period, may become licensed as a practical nurse at any time prior to January 1, 1953, by making application therefor to the Department and passing an examination in practical nursing skills wholly or in part in writing conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse.
- Sec. 10. Whoever desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.
- Sec. 11. The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for

certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.

Sec. 12. The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service, authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1 in any year, shall expire on that date.

Sec. 14. A registered professional nurse or licensed practical nurse whose certificate of registration has expired may have it restored immediately upon payment of all lapsed renewal fees and the required restoration fee if not more than five years have elapsed since the date of expiration or beyond five years if within two years after honorable termination of military service with the United States when such certificate has expired during such serv-

ice. Any registered professional nurse or licensed practical nurse whose certificate of registration has expired for more than five years unless if beyond such time within two years after honorable termination of military service with the United States when such certificate has expired during such service, may have it restored only by passing a satisfactory examination conducted by the Department to determine his or her fitness to have it restored and by paying the required fee.

- Sec. 15. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration as a registered professional nurse or as a licensed practical nurse for any of the following causes or combination of them:
- 1. wilfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit forming drugs;
- 2. wilfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;
- the obtaining of, or attempting to obtain, a certificate of registration by money or any other thing of value or by fraudulent representation;
- 4. gross negligence in the practice of professional nursing or practical nursing;
- 5. continued practice by a person knowingly having an infectious, communicable, or contagious disease;
- 6. habitual drunkeness, or habitual addiction to the use of morphine, cocaine, or other habit forming drug;
 - 7. conviction of a crime;
- 8. failure to file a petition for naturalization within ninety days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under

the naturalization act within ninety days thereafter.

The entry of a decree by any court of competent jurisdiction establishing the mental illness of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate of registration has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice.

Sec. 16. Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.

Sec. 17. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

Sec. 18. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of seventy cents per page for the original and twenty-five cents per page for each carbon copy thereof representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

- Sec. 19. An order of revocation or suspension, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:
- 1. such signature is the genuine signature of the Director:
- that such Director is duly appointed and qualified;
- 3. that the Committee and the members thereof are qualified to act.
- Sec. 20. Appeals from all final orders and judgments entered by a circuit or superior court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to the Supreme Court.
- Sec. 21. Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional

nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and

- 3. If he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within ninety days after becoming eligible to do so.
- Sec. 22. 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$10.00, and as a licensed practical nurse is \$7.50. No further fee shall be charged for issuing the certificate of registration.
- 2. The fee to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse is \$2.00.
- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jurisdiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$10.00; and as a licensed practical nurse \$7.50.
- 5. The fee to be paid for the restoration of a certificate of registration which has expired not more than five years is \$2.00 plus all lapsed renewal fees.

- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than five years is: for a registered professional nurse \$10.00; and for a licensed practical nurse \$7.50.
- Sec. 23. Each of the following acts is punishable by a fine of not less than \$50.00, nor more than \$500.00 or by imprisonment in the county jail for not less than one month nor more than six months, or both:
- 1. the practice of professional nursing or an attempt to practice professional nursing without a valid certificate of registration as a registered professional nurse;
- 2. the practice of practical nursing or an attempt to practice practical nursing as a licensed practical nurse without a valid certificate of registration as a licensed practical nurse:
- 3. the use of any words, abbreviations, figures or letters with intention of indicating practice as a registered professional nurse without a valid certificate as a registered nurse under this Act;
- 4. the use of any words, abbreviations, figures or letters with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed practical nurse under this Act;
- 5. the obtaining of, or attempting to obtain a certificate of registration, by money or any other thing of value, or by fraudulent representation;
- 6. the making of any wilfully false oath or affirmation required by this Act.
- Sec. 24. The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby de-

clared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois. or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked or expired, from practicing professional nursing: and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired. may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. conv of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing professional nursing without having been issued a certificate registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Sec. 26. The sum of \$25,000, or so much thereof as may be necessary, is appropriated to the Department of Registration and Education for the purpose of administering the provisions of this Act which relate to practical nursing.

Sec. 27. "An Act to revise the law in relation to the regulation of the practice of professional nursing and to repeal 'An Act to revise the law in relation to the regulation of the practice of nursing' approved June 19, 1919, as amended, and to make an appropriation therefor", approved July 8, 1947 as amended, is repealed.



614.09 Il 63n 1959

THE ILLINOIS

cop.2 NURSING ACT

CHAPTER 91-ILLINOIS REVISED STATUTES

STATE OF ILLINOIS WILLIAM G. STRATTON Governor



DEPARTMENT OF REGISTRATION AND EDUCATION VERA M. BINKS, Directorning or THE

BOITY OF ILLINOIS

1959

(Printed by authority of the State of Illinois)

THE ILLINOIS NURSING ACT

SEC.

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AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

an Act therein named. (Approved June 14.

Section 1. This Act may be known and cited as "The Illinois Nursing Act."

Sec. 2. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois must submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

1. The employment in Federal government institutions or agencies of nurses who are members of Federal agencies and are registered in some state in the United States:

2. The practice of nursing which is incidental to their program of study by students enrolled in schools of nursing approved by the

Department;

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3. The furnishing of nursing assistance in

an emergency;

4. The incidental care of the sick by members of the family, domestic servants or house-keepers, or care of the sick where treatment is by prayer or spiritual means;

- 5. The practice of professional nursing for a period not exceeding six months by one who has applied to the Department for a certificate of registration as a registered nurse within thirty days after employment as a professional nurse in this State and who has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate pending the taking of such examination and the decision of the Department thereon;
- 6. The practice of professional nursing for a period not exceeding six months in any calendar year by one who is a registered professional nurse under the laws of a foreign jurisdiction and who would be qualified to receive a certificate as a registered nurse under Section 21.
- Sec. 3. No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not affect or prohibit the practice of practical nursing without a certificate as a licensed practical nurse by any person not representing himself or herself to be a licensed practical nurse, nor does it apply to persons employed as nursing aides, attendants, orderlies and other auxilliary workers in private homes, hospitals or other institutions.

Sec. 4. When used in this Act:

1. "Professional nursing" means the performance under the direction of a licensed physician or dentist of professional services requiring an understanding of the principles of the biological, physical and social sciences, and an application of these principles in the care of the sick, the responsible supervision of a patient, the prevention of disease, and the conservation of health.

- 2. "Registered Nurse" means a person who is registered under this Act and who practices professional nursing as defined in paragraph 1 of this Section. A registered nurse registered under this Act only is entitled to use the title "registered nurse", and the abbreviation, "R.N.".
- 3. "Practical nursing" means the performance under the direction of a licensed physician, dentist, or registered professional nurse of such simple nursing procedures as may be required in the care of a patient and the conservation of health.
- 4. "Practical nurse" means a person who practices practical nursing as defined in paragraph 3 of this Section. A practical nurse only licensed under this Act is entitled to use the title "licensed practical nurse", and the abbreviation "L.P.N.".
- 5. "Department" means the Department of Registration and Education.
- 6. "Director" means the Director of Registration and Education.
- 7. "Assistant Director" means the Assistant Director of Registration and Education.
- 8. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.
- 10. "Nursing Education Coordinator" means a registered professional nurse appointed by the Director to carry out the administrative policies of the Department.
- 11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

- Sec. 5. Subject to the provisions of this Act, the Department shall:
- 1. Prescribe rules defining what constitutes a school of professional nursing established within a hospital, college or university and a school of practical nursing which is reputable and in good standing. Nothing in this Act shall prohibit or exclude a hospital or other educational institution from establishing and maintaining an approved school of practical nursing.
- 2. Adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the reputability and good standing of such schools by reference to compliance with such rules.
- 3. Establish a minimum standard of preliminary education and maintenance to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.
- 4. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed practical nurses respectively.
- 5. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered professional nurses and for certificates of registration as licensed practical nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- 6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates

or authorities of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke or refuse to renew such licenses, certificates or authorities.

- 7. Formulate rules required for the administration of this Act.
- Sec. 6. None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. The Director shall:

Appoint the Committee, which shall be composed of seven registered professional nurses. Four members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged in nursing education at the time of appointment. Two members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged, at the time of appointment, in nursing education in an approved school of practical nursing. One member shall be a certified public health nurse who shall have had a minimum of five years' experience in public health nursing education and shall be actively engaged in public health nursing at the time of appointment. The members shall be appointed for a term of five years, except that the first four members first appointed under this Act shall be appointed for terms of one, two, three or four years respectively as designated at the time of appointment. No member shall be eligible for appointment to more than two consecutive five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. The Committee shall carry out functions delegated to it by the Department.

- 2. Appoint a Nursing Education Coordinator and assistants. In appointing such persons the Director shall give consideration to recommendations of the Committee. The Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nursing. Each shall hold a bachelor's degree or its equivalent from an approved college or university; each shall have had at least five years' experience as an executive of an approved school of professional nursing, or as an instructor or director of the faculty of such school, though such experience of an assistant may be in an approved school of practical nursing, and each shall be actively engaged in such nursing education at the time the appointment is made. The Nursing Education Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director.
- 3. Appoint an Advisory Council of seven members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. The members shall be appointed for a term of five years except that four of the members first appointed under this Act shall be appointed for terms of one, two, three, and four years respectively as designated at the time of appointment. No member shall be eligible for reappointment for more than two five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general edu-

cation, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties.

- Sec. 8. A person shall be qualified to receive a certificate of registration as a registered professional nurse if he or she:
 - 1. is at least twenty years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so;
- 3. has graduated from a high school or secondary school approved by the Department, or has completed an equivalent course of study as determined by an examination conducted by the Department;
- 4. has completed a program of study of at least three years in a hospital school of nursing approved by the Department which may include not more than eight months credit for a graduate of a college or university approved by the Department; or has completed a program of study leading to a degree offered by a school of nursing organized within or affiliated with a university or college, of which not less than two years shall include professional study and experience approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness

to receive a certificate of registration as a registered professional nurse; or

- 6. has practiced professional nursing at least two years within the five year period preceding July 1, 1947, and has qualifications which would have enabled such person at time of graduation from a school of nursing then approved by the Department to take an examination to be certified as a registered or graduate nurse under any act relating to nursing heretofore approved by the General Assembly of the State of Iilinois by making application therefor with the Department, proving satisfactorily to it that he or she has possessed such qualifications and passing oral examination at any time prior to July 1, 1952 administered by the Department to determine his or her fitness for certification as a registered nurse.
- Sec. 9. A person shall be qualified to receive a certificate as a licensed practical nurse if he or she:
 - 1. is at least eighteen years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so:
- 3. has completed a two year course of study in a high school or secondary school approved by the Department or an equivalent course of study as determined by an examination conducted by the Department; or has completed a course of study in the eight grades of a grammar or primary school or an equivalent course of study that may be determined at any time by an examination conducted by the Department and has passed his or her twenty-fifth birthday before July 1, 1951;

- 4. has completed a program of study of at least nine months in a school of practical nursing approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse; or
- 6. any person who possesses the qualifications as to age, character, and citizenship as provided in the foregoing portion of this Section, has practiced practical nursing in Illinois for two years in the five years immediately preceding January 1, 1953, submits verified affidavits of two licensed practicing physicians or two practicing registered professional nurses, certifying on personal knowledge that such practice has been satisfactorily performed for said period, may become licensed as a practical nurse at any time prior to January 1, 1953, by making application therefor to the Department and passing an examination in practical nursing skills wholly or in part in writing conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse.
- Sec. 10. Whoever desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.
- Sec. 11. The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for

certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.

Sec. 12. The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service. authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1 in any year, shall expire on that date.

Sec. 14. A registered professional nurse or licensed practical nurse whose certificate of registration has expired may have it restored immediately upon payment of all lapsed renewal fees and the required restoration fee if not more than five years have elapsed since the date of expiration or beyond five years if within two years after honorable termination of military service with the United States when such certificate has expired during such serv-

ice. Any registered professional nurse or licensed practical nurse whose certificate of registration has expired for more than five years unless if beyond such time within two years after honorable termination of military service with the United States when such certificate has expired during such service, may have it restored only by passing a satisfactory examination conducted by the Department to determine his or her fitness to have it restored and by paying the required fee.

- Sec. 15. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration as a registered professional nurse or as a licensed practical nurse for any of the following causes or combination of them:
- 1. wilfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit forming drugs;
- 2. wilfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;
- the obtaining of, or attempting to obtain, a certificate of registration by money or any other thing of value or by fraudulent representation;
- 4. gross negligence in the practice of professional nursing or practical nursing;
- 5. continued practice by a person knowingly having an infectious, communicable, or contagious disease;
- 6. habitual drunkeness, or habitual addiction to the use of morphine, cocaine, or other habit forming drug;
 - 7. conviction of a crime;
- 8. failure to file a petition for naturalization within ninety days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under

the naturalization act within ninety days thereafter.

The entry of a decree by any court of competent jurisdiction establishing the mental illness of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate of registration has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice.

Sec. 16. Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.

Sec. 17. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

Sec. 18. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of seventy cents per page for the original and twenty-five cents per page for each carbon copy thereof representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

- Sec. 19. An order of revocation or suspension, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:
- 1. such signature is the genuine signature of the Director:
- 2. that such Director is duly appointed and qualified;
- 3. that the Committee and the members thereof are qualified to act.
- Sec. 20. Appeals from all final orders and judgments entered by a circuit or superior court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to the Supreme Court.
- Sec. 21. Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional

nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and

- 3. if he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within ninety days after becoming eligible to do so.
- Sec. 22. 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$10.00, and as a licensed practical nurse is \$7.50. No further fee shall be charged for issuing the certificate of registration.
- 2. The fee to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse is \$2.00.
- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jurisdiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$10.00; and as a licensed practical nurse \$7.50.
- 5. The fee to be paid for the restoration of a certificate of registration which has expired not more than five years is \$2.00 plus all lapsed renewal fees.

- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than five years is: for a registered professional nurse \$10.00; and for a licensed practical nurse \$7.50.
- Sec. 23. Each of the following acts is punishable by a fine of not less than \$50.00, nor more than \$500.00 or by imprisonment in the county jail for not less than one month nor more than six months, or both:
- 1. the practice of professional nursing or an attempt to practice professional nursing without a valid certificate of registration as a registered professional nurse;
- 2. the practice of practical nursing or an attempt to practice practical nursing as a licensed practical nurse without a valid certificate of registration as a licensed practical nurse;
- 3. the use of any words, abbreviations, figures or letters with intention of indicating practice as a registered professional nurse without a valid certificate as a registered nurse under this Act;
- 4. the use of any words, abbreviations, figures or letters with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed practical nurse under this Act;
- 5. the obtaining of, or attempting to obtain a certificate of registration, by money or any other thing of value, or by fraudulent representation:
- 6. the making of any wilfully false oath or affirmation required by this Act.
- Sec. 24. The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby de-

clared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois. or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked or expired, from practicing professional nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired. may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing professional nursing without having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Sec. 26. The sum of \$25,000, or so much thereof as may be necessary, is appropriated to the Department of Registration and Education for the purpose of administering the provisions of this Act which relate to practical nursing.

Sec. 27. "An Act to revise the law in relation to the regulation of the practice of professional nursing and to repeal 'An Act to revise the law in relation to the regulation of the practice of nursing' approved June 19, 1919, as amended, and to make an appropriation therefor", approved July 8, 1947 as amended, is repealed.

Land of Lincoln

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THE ILLINOIS

NURSING ACT

CHAPTER 91-ILLINOIS REVISED STATUTES

STATE OF ILLINOIS
WILLIAM G. STRATTON
Governor



REGISTRATION AND EDUCATION
VERA M. BINKS. Director

SPRINGFIELD

1960

(Printed by authority of the State of Illinois)

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THE ILLINOIS NURSING ACT

SEC

- 1. Short Title.
- Necessity of Practice—Professional Nursing— Acts not prohibited.
- 3. Practical Nursing-Acts not prohibited.
- 4. Definitions.
- 5. Powers and duties of Department.
- 6. Written action of majority, necessary.
- Duties and functions of director—committee nursing education coordinator and assistant advisory council.
- Requirements for Professional Nurse registration.
- 3. Requirements for Practical Nurse license.
- Application for certification registration or license.
- 11. Examinations.
- Issuance of certificates—certificates previously issued.
- 13. Renewal of certificates.
- 14. Restoration of expired certificates.
- Refusal, suspension or revocation of certificate
 —cause—resignation of practice after suspension for mental illness.
- 16. Manner of revocation of certificate.
- 17. Review of administrative decisions.
- Certification of record or other appearance in proceeding for review—Fee.
- 19. Order of revocation prima facie evidence.
- 20. Appeal to Supreme Court.
- 21. Reciprocity.
- 22. Fees.
- 23. Offenses-Penalty.
- 24. Injunctive relief.
- 25. Partial invalidity.
- 26. Appropriation.
- 27. Repeal.



AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an Act therein named. (Approved June 14, 1951)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be known and cited as "The Illinois Nursing Act."

Sec. 2. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois must submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

1. The employment in Federal government institutions or agencies of nurses who are members of Federal agencies and are registered in some state in the United States;

2. The practice of nursing which is incidental to their program of study by students enrolled in schools of nursing approved by the

Department;

3. The furnishing of nursing assistance in

an emergency;

4. The incidental care of the sick by members of the family, domestic servants or house-keepers, or care of the sick where treatment is by prayer or spiritual means;

- 5. The practice of professional nursing for a period not exceeding six months by one who has applied to the Department for a certificate of registration as a registered nurse within thirty days after employment as a professional nurse in this State and who has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate pending the taking of such examination and the decision of the Department thereon;
- 6. The practice of professional nursing for a period not exceeding six months in any calendar year by one who is a registered professional nurse under the laws of a foreign jurisdiction and who would be qualified to receive a certificate as a registered nurse under Section 21.
- Sec. 3. No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not affect or prohibit the practice of practical nursing without a certificate as a licensed practical nurse by any person not representing himself or herself to be a licensed practical nurse, nor does it apply to persons employed as nursing aides, attendants, orderlies and other auxilliary workers in private homes, hospitals or other institutions.

Sec. 4. When used in this Act:

1. "Professional nursing" means the performance under the direction of a licensed physician or dentist of professional services requiring an understanding of the principles of the biological, physical and social sciences, and an application of these principles in the care of the sick, the responsible supervision of a patient, the prevention of disease, and the conservation of health.

- 2. "Registered Nurse" means a person who is registered under this Act and who practices professional nursing as defined in paragraph 1 of this Section. A registered nurse registered under this Act only is entitled to use the title "registered nurse", and the abbreviation, "R.N.".
- 3. "Practical nursing" means the performance under the direction of a licensed physician, dentist, or registered professional nurse of such simple nursing procedures as may be required in the care of a patient and the conservation of health.
- 4. "Practical nurse" means a person who practices practical nursing as defined in paragraph 3 of this Section. A practical nurse only licensed under this Act is entitled to use the title "licensed practical nurse", and the abbreviation "L.P.N.".
- 5. "Department" means the Department of Registration and Education.
- 6. "Director" means the Director of Registration and Education.
- 7. "Assistant Director" means the Assistant Director of Registration and Education.
- 8. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.
- 10. "Nursing Education Coordinator" means a registered professional nurse appointed by the Director to carry out the administrative policies of the Department.
- 11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

- Sec. 5. Subject to the provisions of this Act, the Department shall:
- 1. Prescribe rules defining what constitutes a school of professional nursing established within a hospital, college or university and a school of practical nursing which is reputable and in good standing. Nothing in this Act shall prohibit or exclude a hospital or other educational institution from establishing and maintaining an approved school of practical nursing.
- 2. Adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the reputability and good standing of such schools by reference to compliance with such rules.
- 3. Establish a minimum standard of preliminary education and maintenance to be required for admission to all schools of practical nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.
- 4. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed practical nurses respectively.
- 5. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered professional nurses and for certificates of registration as licensed practical nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.
- Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates

or authorities of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke or refuse to renew such licenses, certificates or authorities.

- 7. Formulate rules required for the administration of this Act.
- Sec. 6. None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. The Director shall:

Appoint the Committee, which shall be composed of seven registered professional nurses. Four members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged in nursing education at the time of appoint-Two members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged, at the time of appointment, in nursing education in an approved school of practical nursing. One member shall be a certified public health nurse who shall have had a minimum of five years' experience in public health nursing education and shall be actively engaged in public health nursing at the time of appointment. The members shall be appointed for a term of five years, except that the first four members first appointed under this Act shall be appointed for terms of one, two, three or four years respectively as designated at the time of appointment. No member shall be eligible for appointment to more than two consecutive five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. The Committee shall carry out functions delegated to it by the Department.

- 2. Appoint a Nursing Education Coordinator and assistants. In appointing such persons the Director shall give consideration to recommendations of the Committee. The Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nursing. Each shall hold a bachelor's degree or its equivalent from an approved college or university: each shall have had at least five years' experience as an executive of an approved school of professional nursing, or as an instructor or director of the faculty of such school, though such experience of an assistant may be in an approved school of practical nursing, and each shall be actively engaged in such nursing education at the time the appointment is made. The Nursing Education Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director.
- 3. Appoint an Advisory Council of seven members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. The members shall be appointed for a term of five years except that four of the members first appointed under this Act shall be appointed for terms of one, two, three, and four years respectively as designated at the time of appointment. No member shall be eligible for reappointment for more than two five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general edu-

cation, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties.

- Sec. 8. A person shall be qualified to receive a certificate of registration as a registered professional nurse if he or she:
 - 1. is at least twenty years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so:
- 3. has graduated from a high school or secondary school approved by the Department, or has completed an equivalent course of study as determined by an examination conducted by the Department;
- 4. has completed a program of study of at least three years in a hospital school of nursing approved by the Department which may include not more than eight mouths credit for a graduate of a college or university approved by the Department; or has completed a program of study leading to a degree offered by a school of nursing organized within or affiliated with a university or college, of which not less than two years shall include professional study and experience approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness

to receive a certificate of registration as a registered professional nurse; or

- 6. has practiced professional nursing at least two years within the five year period preceding July 1, 1947, and has qualifications which would have enabled such person at time of graduation from a school of nursing then approved by the Department to take an examination to be certified as a registered or graduate nurse under any act relating to nurs-ing heretofore approved by the General Assembly of the State of Illinois by making application therefor with the Department, proving satisfactorily to it that he or she has possessed such qualifications and passing oral examination at any time prior to July 1, 1952 administered by the Department to determine his or her fitness for certification as a registered nurse.
- Sec. 9. A person shall be qualifed to receive a certificate as a licensed practical nurse if he or she:
 - 1. is at least eighteen years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so:
- 3. has completed a two year course of study in a high school or secondary school approved by the Department or an equivalent course of study as determined by an examination conducted by the Department; or has completed a course of study in the eight grades of a grammar or primary school or an equivalent course of study that may be determined at any time by an examination conducted by the Department and has passed his or her twenty-fifth birthday before July 1, 1951;

- 4. has completed a program of study of at least nine months in a school of practical nursing approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse. (Amended by Act approved July 8, 1959.)
- Sec. 10. Whoever desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.
- Sec. 11. The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.
- Sec. 12. The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service,

authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1 in any year, shall expire on that date.

Sec. 14. A registered professional nurse or licensed practical nurse whose certificate of registration has expired may have it restored immediately upon payment of all lapsed renewal fees and the required restoration fee if not more than five years have elapsed since the date of expiration or beyond five years if within two years after honorable termination of military service with the United States when such certificate has expired during such service. Any registered professional nurse or licensed practical nurse whose certificate of registration has expired for more than five years unless if beyond such time within two years after honorable termination of military service with the United States when such certificate has expired during such service, may have it restored only by passing a satisfactory examination conducted by the Department to determine his or her fitness to have it restored and by paying the required fee.

Sec. 15. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration as a registered professional nurse or as a licensed practical nurse for any of the following causes or combination of them:

- 1. wilfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit forming drugs;
- 2. wilfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;
- 3. the obtaining of, or attempting to obtain, a certificate of registration by money or any other thing of value or by fraudulent representation;
- gross negligence in the practice of professional nursing or practical nursing;
- 5. continued practice by a person knowingly having an infectious, communicable, or contagious disease:
- 6. habitual drunkeness, or habitual addiction to the use of morphine, cocaine, or other habit forming drug;
 - 7. conviction of a crime;
- 8. failure to file a petition for naturalization within ninety days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under the naturalization act within ninety days thereafter.

The entry of a decree by any court of competent jurisdiction establishing the mental illness of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate of registration has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice.

Sec. 16. Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Ad-

ministrative Code of Illinois" approved March 7, 1917 as amended.

Sec. 17. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

Sec. 18. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of seventy cents per page for the original and twenty-five cents per page for each carbon copy thereof representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

Sec. 19. An order of revocation or suspension, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:

- 1. such signature is the genuine signature of the Director;
- 2. that such Director is duly appointed and qualified;
- 3. that the Committee and the members thereof are qualified to act.

Sec. 20. Appeals from all final orders and judgments entered by a circuit or superior court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to the Supreme Court.

- Sec. 21. Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and
- 3. if he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within ninety days after becoming eligible to do so.
- Sec. 22. 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$10.00, and as a licensed practical nurse is \$7.50. No further fee shall be charged for issuing the certificate of registration.
- 2. The fee to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse is \$2.00.

- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jurisdiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$10.00; and as a licensed practical nurse \$7.50.
- 5. The fee to be paid for the restoration of a certificate of registration which has expired not more than five years is \$2.00 plus all lapsed renewal fees.
- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than five years is: for a registered professional nurse \$10.00; and for a licensed practical nurse \$7.50.
- Sec. 23. Each of the following acts is punishable by a fine of not less than \$50.00, nor more than \$500.00 or by imprisonment in the county jail for not less than one month nor more than six months, or both:
- 1. the practice of professional nursing or an attempt to practice professional nursing without a valid certificate of registration as a registered professional nurse;
- the practice of practical nursing or an attempt to practice practical nursing as a licensed practical nurse without a valid certificate of registration as a licensed practical nurse;
- 3. the use of any words, abbreviations, figures or letters with intention of indicating

practice as a registered professional nurse without a valid certificate as a registered nurse under this Act;

- 4. the use of any words, abbreviations, figures or letters with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed practical nurse under this Act;
- 5. the obtaining of, or attempting to obtain a certificate of registration, by money or any other thing of value, or by fraudulent representation:
- 6. the making of any wilfully false oath or affirmation required by this Act.

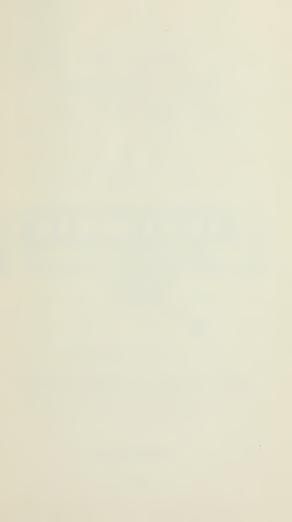
Sec. 24. The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois. or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked or expired, from practicing professional nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired. may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. copy of said verified complaint shall be served

upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing professional nursing without having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Sec. 26. The sum of \$25,000, or so much thereof as may be necessary, is appropriated to the Department of Registration and Education for the purpose of administering the provisions of this Act which relate to practical nursing.

Sec. 27. "An Act to revise the law in relation to the regulation of the practice of professional nursing and to repeal 'An Act to revise the law in relation to the regulation of the practice of nursing approved June 19, 1919, as amended, and to make an appropriation therefor", approved July 8, 1947 as amended, is repealed.





614.09 Il63n 1962

cop. 2 THE ILLINOIS

NURSING ACT

Chapter 91-Illinois Revised Statutes

STATE OF ILLINOIS
OTTO KERNER, Governor



DEPARTMENT OF

REGISTRATION AND EDUCATION
WILLIAM SYLVESTER WHITE, Director

SPRINGFIELD

1962

(Printed by Authority of the State of Illinois)

THE ILLINOIS NURSING ACT

SEC

- 1. Short Title.
- Necessity of Practice—Professional Nursing— Acts not prohibited.
- 3. Practical Nursing-Acts not prohibited.
- 4. Definitions.
- 5. Powers and duties of Department.
- 6. Written action of majority, necessary.
- Duties and functions of director—committee nursing education coordinator and assistant advisory council.
- Requirements for Professional Nurse registration.
- 9. Requirements for Practical Nurse license.
- Application for certification registration or license.
- 11. Examinations.
- Issuance of certificates—certificates previously issued.
- Renewal of certificates.
- Restoration of expired certificates.
- Refusal, suspension or revocation of certificate
 —cause—resignation of practice after suspension for mental illness.
- 16. Manner of revocation of certificate.
- 17. Review of administrative decisions.
- Certification of record or other appearance in proceeding for review—Fee.
- 19. Order of revocation prima facie evidence.
- 20. Appeal to Supreme Court.
- 21. Reciprocity.
- 22. Fees.
- 23. Offenses-Penalty.
- 23.1 Unlawful to conduct school of Professional or Practical Nursing—Penalty.
- 24. Injunctive relief.
- 25. Partial invalidity.
- 26. Appropriation.
- 27. Repeal.



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AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an Act therein named. (Approved June 14, 1951)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be known and cited as "The Illinois Nursing Act."

Sec. 2. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois must submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

1. The employment in Federal government institutions or agencies of nurses who are members of Federal agencies and are registered in some state in the United States;

2. The practice of nursing which is incidental to their program of study by students enrolled in schools of nursing approved by the

Department;

3. The furnishing of nursing assistance in

an emergency;

4. The incidental care of the sick by members of the family, domestic servants or house-keepers, or care of the sick where treatment is by prayer or spiritual means;

- 5. The practice of professional nursing for a period not exceeding six months by one who has applied to the Department for a certificate of registration as a registered nurse within thirty days after employment as a professional nurse in this State and who has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate pending the taking of such examination and the decision of the Department thereon;
- 6. The practice of professional nursing for a period not exceeding six months in any calendar year by one who is a registered professional nurse under the laws of a foreign jurisdiction and who would be qualified to receive a certificate as a registered nurse under Section 21.
- Sec. 3. No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not affect or prohibit the practice of practical nursing without a certificate as a licensed practical nurse by any person not representing himself or herself to be a licensed practical nurse, nor does it apply to persons employed as nursing aides, attendants, orderlies and other auxiliary workers in private homes, hospitals or other institutions.

Sec. 4. When used in this Act:

1. "Professional nursing" means the performance under the direction of a licensed physician or dentist of professional services requiring an understanding of the principles of the biological, physical and social sciences, and an application of these principles in the care of the sick, the responsible supervision of a patient, the prevention of disease, and the conservation of health.

- 2. "Registered Nurse" means a person who is registered under this Act and who practices professional nursing as defined in paragraph 1 of this Section. A registered nurse registered under this Act only is entitled to use the title "registered nurse", and the abbreviation, "R.N.".
- 3. "Practical nursing" means the performance under the direction of a licensed physician, dentist, or registered professional nurse of such simple nursing procedures as may be required in the care of a patient and the conservation of health.
- 4. "Practical nurse" means a person who practices practical nursing as defined in paragraph 3 of this Section. A practical nurse only licensed under this Act is entitled to use the title "licensed practical nurse", and the abbreviation "L.P.N.".
- 5. "Department" means the Department of Registration and Education.
- 6. "Director" means the Director of Registration and Education.
- 7. "Assistant Director" means the Assistant Director of Registration and Education.
- 8. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.
- 10. "Nursing Education Coordinator" means a registered professional nurse appointed by the Director to carry out the administrative policies of the Department.
- 11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

- Sec. 5. Subject to the provisions of this Act. the Department shall:
- 1. Prescribe rules defining what constitutes a school of professional nursing established within a hospital, college or university and a school of practical nursing which is reputable and in good standing. Nothing in this Act shall prohibit or exclude a hospital or other educational institution from establishing and maintaining an approved school of practical nursing.
- 2. Adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the reputability and good standing of such schools by reference to compliance with such rules.
- 3. Prepare and maintain a list of approved schools of professional nursing and schools of practical nursing in this State, whose graduates, if they have the other necessary qualifications provided in this Act, shall be eligible to apply for a license to practice nursing in this State.
- 4. Establish a minimum standard of preliminary education and maintenance to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.
- 5. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed practical nurses respectively.
- 6. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered profes-

sional nurses and for certificates of registration as licensed practical nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

- 7. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke or refuse to renew such licenses, certificates or authorities.
- 8. Formulate rules required for the administration of this Act.
- Sec. 6. None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. The Director shall:

1. Appoint the Committee, which shall be composed of seven registered professional nurses. Four members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged in nursing education at the time of appoint-Two members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged, at the time of appointment, in nursing education in an approved school of practical nursing. One member shall be a certified public health nurse who shall have had a minimum of five years' experience in public health nursing education and shall be actively engaged in public health nursing at the time of appointment. The members shall be appointed for a term of five years, except that the first four members first appointed under this Act shall be appointed for terms of one, two, three or

four years respectively as designated at the time of appointment. No member shall be eligible for appointment to more than two consecutive five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. The Committee shall carry out functions delegated to it by the Department.

- 2. Appoint a Nursing Education Coordinator and assistants. In appointing such persons the Director shall give consideration to recommendations of the Committee. The Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nursing. Each shall hold a bachelor's degree or its equivalent from an approved college or university; each shall have had at least five years' experience as an executive of an approved school of professional nursing, or as an instructor or director of the faculty of such school, though such experience of an assistant may be in an approved school of practical nursing, and each shall be actively engaged in such nursing education at the time the appointment is made. The Nursing Education Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director.
- 3. Appoint an Advisory Council of seven members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. The members shall be appointed for a term of five years except that four of the members first appointed under this Act shall be appointed for terms of one, two, three, and four years respectively as designated at the time of appointment. No member shall be

eligible for reappointment for more than two five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general education, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties.

- Sec. 8. A person shall be qualified to receive a certificate of registration as a registered professional nurse if he or she:
 - 1. is at least twenty years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so;
- has graduated from a high school or secondary school approved by the Department, or has completed an equivalent course of study as determined by an examination conducted by the Department;
- 4. has completed a program of study of at least three years in a hospital school of nursing approved by the Department which may include not more than eight months credit for a graduate of a college or university approved by the Department; or has completed a program of study leading to a degree offered by a school of nursing organized within or affiliated with a university or college, of which not less

than two years shall include professional study and experience approved by the Department; and

- 5. has passed an examination conducted by the Department to determine his or her fitness to receive a certificate of registration as a registered professional nurse; or
- practiced professional nursing at least two years within the five year period preceding July 1, 1947, and has qualifications which would have enabled such person at time of graduation from a school of nursing then approved by the Department to take an examination to be certified as a registered or graduate nurse under any act relating to nursing heretofore approved by the General sembly of the State of Illinois by making application therefor with the Department, proving satisfactorily to it that he or she has possessed such qualifications and passing oral examination at any time prior to July 1, 1952 administered by the Department to determine his or her fitness for certification as a registered nurse
- Sec. 9. A person shall be qualified to receive a certificate as a licensed practical nurse if he or she:
 - 1. is at least eighteen years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within ninety days after becoming eligible to do so;
- 3. has completed a two year course of study in a high school or secondary school approved by the Department or an equivalent course of study as determined by an examination conducted by the Department; or has completed a course of study in the eight grades of a

grammar or primary school or an equivalent course of study that may be determined at any time by an examination conducted by the Department and has passed his or her twenty-fifth birthday before July 1, 1951;

- 4. has completed a program of study of at least nine months in a school of practical nursing approved by the Department; and
- 5. has passed an examination conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse. (Amended by Act approved July 8, 1959.)
- Sec. 10. Whoever desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.
- Sec. 11. The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.
- Sec. 12. The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws

of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service, authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1 in any year, shall expire on that date.

Sec. 14. A registered professional nurse or licensed practical nurse whose certificate registration has expired may have it restored immediately upon payment of all lapsed renewal fees and the required restoration fee if not more than five years have elapsed since the date of expiration or beyond five years if within two years after honorable termination of military service with the United States when such certificate has expired during such service. Any registered professional nurse or licensed practical nurse whose certificate of registration has expired for more than five years unless if beyond such time within two years after honorable termination of military service with the United States when such certificate has expired during such service, may have it restored only by passing a satisfactory examination conducted by the Department to determine his or her fitness to have it restored and by paying the required fee.

Sec. 15. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration as a registered professional nurse or as a licensed practical nurse for any of the following causes or combination of them:

- 1. wilfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit forming drugs;
- 2. wilfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;
- 3. the obtaining of, or attempting to obtain, a certificate of registration by money or any other thing of value or by fraudulent representation:
- 4. gross negligence in the practice of professional nursing or practical nursing;
- 5. continued practice by a person knowingly having an infectious, communicable, or contagious disease;
- 6. habitual drunkeness, or habitual addiction to the use of morphine, cocaine, or other habit forming drug;
 - 7. conviction of a crime;
- 8. failure to file a petition for naturalization within ninety days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under the naturalization act within ninety days thereatter.

The entry of a decree by any court of competent jurisdiction establishing the mental illness of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate of registration has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice.

Sec. 16. Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.

Sec. 17. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

Sec. 18. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of seventy cents per page for the original and twenty-five cents per page for each carbon copy thereof representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

Sec. 19. An order of revocation or suspension, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:

1. such signature is the genuine signature of the Director:

2. that such Director is duly appointed and qualified;

3. that the Committee and the members

thereof are qualified to act.

Sec. 20. Appeals from all final orders and judgments entered by a circuit or superior court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the

action and shall be governed by the rules applying to other civil cases appealed to the Supreme Court.

- Sec. 21. Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and
- 3. if he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within ninety days after becoming eligible to do so.
- Sec. 22. 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$15.00, and as a licensed practical nurse is \$10.00. No further fee shall be charged for issuing the certificate of registration.

- 2. The fee to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse is \$3.00.
- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jurisdiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$10.00; and as a licensed practical nurse \$7.50.
- 5. The fee to be paid for the restoration of a certificate of registration which has expired not more than five years is \$2.00 plus all lapsed renewal fees.
- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than five years is: for a registered professional nurse \$10.00; and for a licensed practical nurse \$7.50.
- Sec. 23. Each of the following acts is punishable by a fine of not less than \$50.00, nor more than \$500.00 or by imprisonment in the county jail for not less than one month nor more than six months, or both:
- 1. the practice of professional nursing or an attempt to practice professional nursing without a valid certificate of registration as a registered professional nurse;

2. the practice of practical nursing or an attempt to practice practical nursing as a licensed practical nurse without a valid cer-

tificate of registration as a licensed practical nurse:

3. the use of any words, abbreviations, figures or letters with intention of indicating practice as a registered professional nurse without a valid certificate as a registered nurse under this Act:

4. the use of any words, abbreviations, figures or letters with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed practical nurse

under this Act;

5. the obtaining of, or attempting to obtain a certificate of registration, by money or any other thing of value, or by fraudulent representation;

6. the making of any wilfully false oath or affirmation required by this Act.

Sec. 23.1. It is unlawful for anyone to conduct a school of professional nursing unless the school has been approved by the Department. Every school of practical nursing not approved by the Department as provided in this Act shall be registered and regulated as provided in "An Act defining and providing for the registration and regulation of vocational schools and classes and the registration of solicitors of such schools, conferring powers, and imposing duties on the Department of Registration and Education, and prescribing penalties, and to repeal an Act herein named", approved July 11, 1951, as heretofore or hereafter amended.

Any person, including firms, associations or corporations who violates this section is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than \$150 for the first offense. Each subsequent offense shall be punished by a fine of not less than \$100 nor more than \$1,000 or imprisonment for a period not to exceed 180 days or within the discretion of the court any such person may

be both fined and imprisoned.

Sec. 24. The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked or expired, from practicing professional nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing professional nursing without having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of

court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Sec. 26. The sum of \$25,000, or so much thereof as may be necessary, is appropriated to the Department of Registration and Education for the purpose of administering the provisions of this Act which relate to practical nursing.

Sec. 27. "An Act to revise the law in relation to the regulation of the practice of professional nursing and to repeal 'An Act to revise the law in relation to the regulation of the practice of nursing' approved June 19, 1919, as amended, and to make an appropriation therefor", approved July 8, 1947 as amended, is repealed.



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1963 THE ILLINOIS
COP. 2 NURSING ACT

Chapter 91-Illinois Revised Statutes

STATE OF ILLINOIS
OTTO KERNER, Governor



DEPARTMENT OF

REGISTRATION AND EDUCATION
WILLIAM SYLVESTER WHITE, Director

SPRINGFIELD

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(Printed by Authority of the State of Illinois)

PROVERSAN OR MEMORS

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- 10. Application for certification registration or license.
- 11. Examinations.
- Issuance of certificates—certificates previously issued.
- 13. Renewal of certificates.
- Restoration of expired certificates.
- Refusal, suspension or revocation of certificate
 —cause—resignation of practice after suspension for mental illness.
- 16. Manner of revocation of certificate.
- 17. Review of administrative decisions.
- Certification of record or other appearance in proceeding for review—Fee.
- 19. Order of revocation prima facie evidence.
- 20. Appeal to Supreme Court.
- 21. Reciprocity.
- 22. Fees.
- 23. Offenses-Penalty.
- 23.1 Unlawful to conduct school of Professional or Practical Nursing—Penalty.
- 24. Injunctive relief.
- 25. Partial invalidity.
- 26. Appropriation.
- 27. Repeal.



AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an Act therein named. (Approved June 14, 1951, as amended)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be known and cited as "The Illinois Nursing Act."

Sec. 2. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois must submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

1. The employment in Federal government institutions or agencies of nurses who are members of Federal agencies and are registered in some state in the United States:

2. The practice of nursing which is incidental to their program of study by students enrolled in schools of nursing approved by the Department;

3. The furnishing of nursing assistance in

an emergency;

4. The incidental care of the sick by members of the family, domestic servants or house-keepers, or care of the sick where treatment is by prayer or spiritual means;

- 5. The practice of professional nursing for a period not exceeding six months by one who has applied to the Department for a certificate of registration as a registered nurse within thirty days after employment as a professional nurse in this State and who has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate pending the taking of such examination and the decision of the Department thereon;
- 6. The practice of professional nursing for a period not exceeding six months in any calendar year by one who is a registered professional nurse under the laws of a foreign jurisdiction and who would be qualified to receive a certificate as a registered nurse under Section 21.
- Sec. 3. No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not affect or prohibit the practice of practical nursing without a certificate as a licensed practical nurse by any person not representing himself or herself to be a licensed practical nurse, nor does it apply to persons employed as nursing aides, attendants, orderlies and other auxiliary workers in private homes, hospitals or other institutions.

Sec. 4. When used in this Act:

1. "Professional nursing" means the performance under the direction of a licensed physician or dentist of professional services requiring an understanding of the principles of the biological, physical and social sciences, and an application of these principles in the care of the sick, the responsible supervision of a patient, the prevention of disease, and the conservation of health.

- 2. "Registered Nurse" means a person who is registered under this Act and who practices professional nursing as defined in paragraph 1 of this Section. A registered nurse registered under this Act only is entitled to use the title "registered nurse", and the abbreviation, "R.N.".
- 3. "Practical nursing" means the performance under the direction of a licensed physician, dentist, or registered professional nurse of such simple nursing procedures as may be required in the care of a patient and the conservation of health.
- 4. "Practical nurse" means a person who practices practical nursing as defined in paragraph 3 of this Section. A practical nurse only licensed under this Act is entitled to use the title "licensed practical nurse", and the abbreviation "L.P.N.".
- 5. "Department" means the Department of Registration and Education.
- 6. "Director" means the Director of Registration and Education.
- 7. "Assistant Director" means the Assistant Director of Registration and Education.
- 8. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.
- 10. "Nursing Education Coordinator" means a registered professional nurse appointed by the Director to carry out the administrative policies of the Department.
- 11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

- Sec. 5. Subject to the provisions of this Act. the Department shall:
- 1. Prescribe rules defining what constitutes a school of professional nursing established within a hospital, college or university and a school of practical nursing which is reputable and in good standing. Nothing in this Act shall prohibit or exclude a hospital or other educational institution from establishing and maintaining an approved school of practical nursing.
- 2. Adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the reputability and good standing of such schools by reference to compliance with such rules.
- 3. Prepare and maintain a list of approved schools of professional nursing and schools of practical nursing in this State, whose graduates, if they have the other necessary qualifications provided in this Act, shall be eligible to apply for a license to practice nursing in this State.
- 4. Establish a minimum standard of preliminary education and maintenance to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.
- 5. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed practical nurses respectively.
- Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered profes-

sional nurses and for certificates of registration as licensed practical nurses, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

- 7. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke or refuse to renew such licenses, certificates or authorities.
- 8. Formulate rules required for the administration of this Act.
- Sec. 6. None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. The Director shall:

1. Appoint the Committee, which shall be composed of seven registered professional nurses. Four members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged in nursing education at the time of appoint-Two members shall have had a minimum of five years' experience as a registered professional nurse in an approved school of professional nursing and shall be actively engaged, at the time of appointment, in nursing education in an approved school of practical nursing. One member shall be a certified public health nurse who shall have had a minimum of five years' experience in public health nursing education and shall be actively engaged in public health nursing at the time of appointment. The members shall be appointed for a term of five years, except that the first four members first appointed under this Act shall be appointed for terms of one, two, three or

four years respectively as designated at the time of appointment. No member shall be eligible for appointment to more than two consecutive five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. The Committee shall carry out functions delegated to it by the Department.

- 2. Appoint a Nursing Education Coordinator and assistants. In appointing such persons the Director shall give consideration to recommendations of the Committee. The Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nursing. Each shall hold a bachelor's degree or its equivalent from an approved college or university; each shall have had at least five years' experience as an executive of an approved school of professional nursing, or as an instructor or director of the faculty of such school, though such experience of an assistant may be in an approved school of practical nursing, and each shall be actively engaged in such nursing education at the time the appointment is made. The Nursing Education Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director.
- 3. Appoint an Advisory Council of seven members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. The members shall be appointed for a term of five years except that four of the members first appointed under this Act shall be appointed for terms of one, two, three, and four years respectively as designated at the time of appointment. No member shall be

eligible for reappointment for more than two five year terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general education, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, hospital administration, medicine, professional nursing, and practical nursing. Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties.

Sec. 8. A person shall be qualified to receive a certificate of registration as a registered professional nurse if he or she:

- 1. is at least 20 years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within 90 days after becoming eligible to do so;
- 3. has graduated from a high school or secondary school approved by the Department, or has completed an equivalent course of study as determined by an examination approved by the Department;
- 4. has completed a program of study of at least 3 years in a hospital school of nursing approved by the Department which may include not more than 8 months credit for a graduate of a college or university approved by the Department; or has completed a pro-

gram of study leading to a degree offered by a school of nursing organized within or affiliated with a university or college, of which not less than 2 years shall include professional study and experience approved by the Department; and

- 5. has passed an examination conducted by the Department to determine his or her fitness to receive a certificate of registration as a registered professional nurse.
- Sec. 9. A person shall be qualified to receive a certificate as a licensed practical nurse if he or she:
 - is at least 18 years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or who has made a declaration of intention to become a citizen and shall file a petition for naturalization within 90 days after becoming eligible to do so;
- 3. has completed a 2 year course of study in a high school or secondary school approved by the Department or an equivalent course of study as determined by an examination approved by the Department; or has completed a course of study in the eight grades of a grammar or primary school or an equivalent course of study that may be determined at any time by an examination approved by the Department and has passed his or her 25th birthday before July 1, 1951;
- 4. has completed a program of study of at least 9 months in a school of practical nursing approved by the Department; and
- has passed an examination conducted by the Department to determine his or her fitness to receive a certificate as a licensed practical nurse.

Sec. 10. Whoever desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

Sec. 11. The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.

Sec. 12. The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws

of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service, authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. Every registered professional nurse and licensed practical nurse who continues in

active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1 in any year, shall expire on that date.

- Sec. 14. A registered professional nurse or licensed practical nurse whose certificate of registration has expired may have it reinstated immediately upon payment of all lapsed renewal fees and the required reinstatement fee if not more than 5 years have elapsed since the date of expiration or beyond 5 years if within 2 years after honorable termination of military service with the United States when such certificate has expired during such service. Any registered professional nurse or licensed practical nurse whose certificate of registration has expired for more than 5 years unless if beyond such time within 2 years after honorable termination of military service with the United States when such certificate has expired during such service, may have it restored by satisfying the Department of his or her fitness to have it restored and by paying the required fee.
- Sec. 15. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration as a registered professional nurse or as a licensed practical nurse for any of the following causes or combination of them:
- 1. wilfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit forming drugs;
- 2. wilfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;

- 3. the obtaining of, or attempting to obtain, a certificate of registration by money or any other thing of value or by fraudulent representation;
- 4. gross negligence in the practice of professional nursing or practical nursing;
- 5. continued practice by a person knowingly having an infectious, communicable, or contagious disease;
- 6. habitual drunkeness, or habitual addiction to the use of morphine, cocaine, or other habit forming drug;
 - 7. conviction of a crime;
- 8. failure to file a petition for naturalization within ninety days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under the naturalization act within ninety days thereafter.

The entry of a decree by any court of competent jurisdiction establishing the mental illness of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate of registration has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice.

Sec. 16. Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.

Sec. 17. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

Sec. 18. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of seventy cents per page for the original and twenty-five cents per page for each carbon copy thereof representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

Sec. 19. An order of revocation or suspension, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:

1. such signature is the genuine signature of the Director:

2. that such Director is duly appointed and qualified;

3. that the Committee and the members

thereof are qualified to act.

Sec. 20. Appeals from all final orders and judgments entered by a circuit or superior court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the

action and shall be governed by the rules applying to other civil cases appealed to the Supreme Court.

- Sec. 21. Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and
- 3. if he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within ninety days after becoming eligible to do so.
- Sec. 22. 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$25; and as a licensed practical nurse is \$15. No further fee shall be charged for issuing the certificate of registration.

- 2. The fee to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse is \$5.
- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jurisdiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$25; and as a licensed practical nurse \$15.
- 5. The fee to be paid for the reinstatement of a certificate of registration which has expired not more than 5 years is \$5 plus all lapsed renewal fees.
- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than 5 years is: for a registered professional nurse \$30; and for a licensed practical nurse \$30.
- 7. The fee to be paid for an examination to determine preliminary education is \$5.
- Sec. 23. Each of the following acts is punishable by a fine of not less than \$50.00, nor more than \$500.00 or by imprisonment in the county jail for not less than one month nor more than six months, or both:

1. the practice of professional nursing or an attempt to practice professional nursing without a valid certificate of registration as a

registered professional nurse;

2. the practice of practical nursing or an attempt to practice practical nursing as a licensed practical nurse without a valid certificate of registration as a licensed practical nurse:

3. the use of any words, abbreviations, figures or letters with intention of indicating practice as a registered professional nurse without a valid certificate as a registered nurse

under this Act;

4. the use of any words, abbreviations, figures or letters with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed practical nurse under this Act;

5. the obtaining of, or attempting to obtain a certificate of registration, by money or any other thing of value, or by fraudulent repre-

sentation;

6. the making of any wilfully false oath or affirmation required by this Act.

Sec. 23.1. It is unlawful for anyone to conduct a school of professional nursing unless the school has been approved by the Department. Every school of practical nursing not approved by the Department as provided in this Act shall be registered and regulated as provided in "An Act defining and providing for the registration and regulation of vocational schools and classes and the registration of solicitors of such schools, conferring powers, and imposing duties on the Department of Registration and Education, and prescribing penalties, and to repeal an Act herein named", approved July 11, 1951, as heretofore or hereafter amended.

Any person, including firms, associations or corporations who violates this section is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than \$150 for the first offense. Each subsequent offense shall be punished by a fine of not less than \$100 nor more than \$1,000 or imprisonment for a period not to exceed 180 days or within the discretion of the court any such person may be both fined and imprisoned.

Sec. 24. The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois. or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked or expired, from practicing professional nursing: and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing professional nursing without having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Sec. 26. The sum of \$25,000, or so much thereof as may be necessary, is appropriated to the Department of Registration and Education for the purpose of administering the provisions of this Act which relate to practical nursing.

Sec. 27. "An Act to revise the law in relation to the regulation of the practice of professional nursing and to repeal 'An Act to revise the law in relation to the regulation of the practice of nursing' approved June 19, 1919, as amended, and to make an appropriation therefor", approved July 8, 1947 as amended, is repealed.



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THE ILLINOIS NURSING ACT

Chapter 91-Illinois Revised Statutes

STATE OF ILLINOIS
OTTO KERNER, Governor



UNIVERSITY OF ILLMOIS

REGISTRATION AND EDUCATION

JOHN C. WATSON, Director

SPRINGFIELD 1965

(Printed by Authority of the State of Illinois)

THE ILLINOIS NURSING ACT

SEC.

1. Short Title.

2. Necessity of Practice-Professional Nursing-Acts not prohibited. Practical Nursing—Acts not prohibited. 3.

4. Definitions.

5. Powers and duties of Department.

6. Written action of majority, necessary,

7. Duties and functions of director-committeenursing education coordinator and assistantadvisory council. 8.

Requirements for Professional Nurse registration.

9. Requirements for Practical Nurse license.

9.1. Practical Nursing-Waiver.

9.2.Valid Practical Nurse license. 10. Application for certifications, registration or license.

11.

Examinations. 12. Issuance of certificates—certificates previously

issued. 13. Renewal of certificates.

14. Restoration of expired certificates.

15. Refusal, suspension or revocation of certificate -cause-resignation of practice after suspension for mental illness.

15.1. Charges of unethical or unprofessional con-

duct.

Manner of revocation of certificate. 16. 17.

Review of administrative decisions. Certification of record or other appearance in 18. proceeding for review-Fee.

19. Order of revocation prima facie evidence.

20. Repealed.

21. Reciprocity. 22. Fees.

23.

Offenses-Penalty.

23.1. Repealed.

Resident schools of practical nursing.

23.2. 23.3. Requirements for Practical Nurse license for graduates under Sec. 23.2. Correspondence Schools.

23.4.

24. Injunctive relief.

25. Partial invalidity.

26. Appropriation.

27. Repeal. AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an Act therein named. (Approved June 14, 1951, as amended)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be known and cited as "The Illinois Nursing Act."

Sec. 2. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois shall submit evidence that he is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

1. The practice of nursing in Federal employment in the discharge of the employee's duties by a person who (a) is employed by the United States government or any bureau, division or agency thereof and (b) is a legally qualified and licensed nurse of another state or territory;

2. The practice of nursing which is included in their program of study by students enrolled in schools of nursing approved by the Depart-

ment:

3. The furnishing of nursing assistance in

an emergency:

4. The incidental care of the sick by members of the family, domestic servants or house-keepers, or care of the sick where treatment is by prayer or spiritual means;

- 5. The practice of professional nursing by one who has applied in writing to the Department, in form and substance satisfactory to the Department, for a certificate as a registered professional nurse and has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate, until: (a) the expiration of 6 months after the filing of such written application, or (b) the decision of the Department that the applicant has failed to pass an examination within 6 months or failed without an approved excuse to take an examination conducted within 6 months by the Department, or (c) the withdrawal of the application;
- 6. The practice of professional nursing by one who is a registered professional nurse under the laws of a foreign jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a certificate of registration as a registered professional nurse and who is qualified to receive such certificate under Section 21, until: (a) the expiration of 6 months after the filing of such written application, or (b) the withdrawal of such application, or (c) the denial of such application by the Department. (Amended by act approved July 2, 1965)
- Sec. 3. No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not apply to persons employed as nursing aides, attendants, orderlies and other auxiliary workers in private homes, nursing homes, nurseries, hospitals or other institutions. (Amended by act approved August 10, 1965)

Sec. 4. When used in this Act:

1. "Professional nursing" means the performance for compensation of any nursing act

(a) in the observation, care and counsel of the ill. injured or infirm; or (b) in the maintenance of health or prevention of illness of others: or (c) the administration of medications and treatments as prescribed by a licensed physician or dentist; or (d) any act in the supervision or teaching of nursing; any of which requires substantial specialized judgment and skill and the proper performance of which is based on knowledge and application of the principles of biological, physical and social science acquired by means of a completed course in an approved school of professional nursing. The foregoing shall not be deemed to include acts of medical diagnosis or prescription of therapeutic or corrective measures.

2. "Registered Nurse" or "Registered Professional Nurse" means a person who is registered under this Act and practices professional nursing as defined in paragraph 1 of this Section. Only a registered nurse registered under this Act is entitled to use the titles "registered nurse" and "registered professional nurse" and

the abbreviation, "R.N.".

3. "Practical nursing" means the performance for compensation of acts in the care of the ill, injured, or infirm, selected by and performed under the direction of a registered professional nurse or a licensed physician or a licensed dentist, not requiring the substantial skill, judgment and knowledge required in professional nursing.

4. "Practical nurse" and "licensed practical nurse" mean a person who practices practical nursing as defined in paragraph 3 of this Section. Only a practical nurse licensed under this Act is entitled to use the title "licensed practical nurse" and the abbreviation "L.P.N.".

5. "Department" means the Department of

Registration and Education.

6. "Director" means the Director of Registration and Education.

7. "Assistant Director" means the Assistant Director of Registration and Education.

"Superintendent" means the Superintendent of Registration of the Department of Registration and Education.

"Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.

10. "Nursing Education Coordinator" means the registered professional nurse appointed by the Director to carry out the administrative

policies of the Department.

11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

"Certificate" is the equivalent of "license", and "registered" is the equivalent of

"licensed".

- 13. "Approved school of professional nursing" and "approved school of practical nursing" are schools of professional or practical nursing, respectively, approved by the Department under the provisions of this Act. (Amended by act approved July 2, 1965)
- Sec. 5. Subject to the provisions of this Act. the Department shall:

1. Prescribe rules defining what constitutes a school of professional nursing and what con-

stitutes a school of practical nursing.

2. Adopt rules providing for the establishment and maintenance of a uniform and reasonable standard of educational programs to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the standing of such schools by reference to compliance with such rules; and provide for surveys of all such schools and their programs at such time as deemed necessary.

3. Prepare and maintain a list of approved schools of professional nursing and schools of practical nursing in this State, whose graduates, if they have the other necessary qualifications provided in this Act, shall be eligible to apply for a license to practice nursing in this State.

4. Establish and maintain a minimum standard of preliminary education subject to Section 8 and Section 9 to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.

5. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed practical nurses respectively.

6. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates as registered professional nurses and for certificates as licensed practical nurses, and pass upon the qualifications of applicants

for licensure by endorsement.

7. Conduct hearings on proceedings to revoke, suspend or refuse renewal of licenses or certificates of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke, suspend or refuse to renew such licenses or certificates.

8. Formulate rules required for the administration of this Act. (Amended by act approved

August 10, 1965)

Sec. 6. None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. The Director shall:

1. Appoint the Committee, which shall be composed of 7 registered professional nurses.

having at least a Master's degree or its academic equivalent. Five members shall have had a minimum of 5 years' experience as a registered professional nurse in an approved school of professional nursing and be actively engaged in professional nursing education at the time of appointment. Two members shall have had a minimum of 5 years' experience in nursing education of which at least 2 years' experience shall have been in an approved school of practical nursing, and the remainder. if any, in an approved school of professional nursing and be actively engaged at the time of appointment in nursing education in an approved school of practical nursing. The persons serving as members on the effective date of this amendatory Act of 1965 shall serve until the end of the term for which they were appointed and subsequent members shall be appointed for a term of 3 years, except that the 2 members first appointed to fill the memberships authorized by this amendatory Act of 1965 shall be appointed for terms of one year, and the next 2 members shall be appointed for terms of 2 years. No member shall be eligible for appointment to more than 2 consecutive terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. The Committee shall receive actual and necessary expenses incurred in performance of their duties, carry out functions delegated to it by the Department, and

(a) Meet annually in the month of January and elect from its members a chairman and vice-chairman, and hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the Committee shall constitute a quorum at any meeting.

(b) Adopt and revise such rules and regulations, not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this Act;

(c) Provide for such studies pertaining to

nursing as the Director may authorize;

(d) Keep a record of all its proceedings; and

(e) Make an annual report to the Director. Obtain, pursuant to the provisions of the "Personnel Code", approved July 18, 1955, as heretofore and hereafter amended, a Nursing Education Coordinator and assistants. The Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nursing, and each shall be actively engaged in nursing education at the time the appointment is made. The Nursing Education Coordinator shall hold at least a Master's degree from an approved college or university; have at least 10 years' experience since graduation, of which at least 6 years' experience has been in progressively responsible positions in nursing education. Each assistant shall hold at least a master's degree from an approved college or university; and have at least 6 years' experience since graduation, of which at least 3 years' experience has been in progressively responsible positions in nursing education. The Nursing Education Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director.

3. Appoint an Advisory Council of 8 members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. Persons serving as members on the effective date of this amendatory Act of 1965 shall serve until the end of the term for which they were appointed and subsequent members shall be appointed for a term of 3 years, except that the

member first appointed to fill the membership authorized by this amendatory Act of 1965 shall be appointed for a term of one year and the next 2 members shall be appointed for terms of 2 years. No member shall be eligible for reappointment for more than 2 terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general education, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, membership on the governing board of a university or college with an approved school of nursing, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties. (Amended by act approved July 2, 1965)

Sec. 8. A person shall be qualified to receive a certificate as a registered professional nurse if he:

1. is at least 18 years of age;

2. is of good moral character and temperate habits, a citizen of the United States or has made a declaration of intention to become a citizen and files a petition for naturalization within 90 days after becoming eligible to do so or, if not eligible for naturalization under the Naturalization Act, who has taken and filed with the Department an oath that, while in the United States, he or she will remain loyal to the Constitution of the United States and not affiliate with any organization which advocates the overthrow of the government of the United States by force or violence. This loyalty oath shall expire after a period of 5

years and may not be renewed; (Amended by

act approved August 2, 1965)

3. has graduated from an approved high school or has demonstrated equivalent competency as determined by an examination approved by the Department;

4. has completed the required approved professional nursing program of not less than two years in an approved school and has graduated

from the school: and

- 5. has passed an examination conducted by the Department to determine his fitness to receive a certificate as a registered professional nurse. (Amended by act approved July 2, 1965)
- Sec. 9. A person shall be qualified to receive a certificate as a licensed practical nurse if he:

1. is at least 18 years of age;

- 2. is of good moral character and temperate habits, a citizen of the United States or has made a declaration of intention to become a citizen and files a petition for naturalization within 90 days after becoming eligible to do so or, if not eligible for naturalization under the Naturalization Act, who has taken and filed with the Department the oath required by Section 8 of this Act; (Amended by act approved August 2, 1965)
- 3. has completed a 2 year course of study in an approved high school or has demonstrated equivalent competency as determined by an examination approved by the Department;

4. has completed the educational program prescribed by the Department in an approved

school of practical nursing; and

5. has passed an examination conducted by the Department to determine his fitness to receive a certificate as a licensed practical nurse. (Amended by act approved August 10, 1965)

Sec. 9.1. A person who has practiced practical nursing in this State at least 3 years

within the 5 year period immediately preceding the effective date of this Act shall be qualified to receive a certificate as a licensed practical nurse if he:

1. files with the Department an application between January 1, 1966 and July 1, 1967, satisfactory in form and substance to the Depart-

ment; and

2. has the endorsement of one physician licensed in Illinois, and one registered nurse licensed in Illinois or exempt from licensure under paragraph 1 of Section 2, who have personal knowledge of the applicant's qualifications, and 2 persons who have employed the applicant; and

3. passes an examination given by the Department. (Added by act approved August 10,

1965)

- Sec. 9.2 A certificate to practice as a practical nurse issued by the Department and valid on the effective date of this amendatory Act of 1965 shall not be rendered invalid by the enactment of this amendatory Act of 1965. (Added by act approved August 10, 1965)
- Sec. 10. Whoever desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompained by the required fee.
- Sec. 11. The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for

certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.

Sec. 12. The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service. authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1, in any year, shall expire on that date.

Sec. 14. A registered professional nurse or licensed practical nurse whose certificate has expired for not more than 5 years may have it reinstated upon payment of all lapsed renewal fees and the required reinstatement fee.

Any registered professional nurse or licensed practical nurse whose certificate has expired for more than 5 years may have it restored only by paying the required fee, by providing the

Department a satisfactory explanation for such failure to renew and, in the discretion of the Department, by passing a satisfactory examination conducted by the Department to determine his fitness to have it restored.

Any registered professional nurse or licensed practical nurse whose certificate has expired while he was engaged in the military service of the United States may have it restored within 2 years following honorable discharge by pay-

ing only the current renewal fee.

Any nurse who notifies the Department in writing that he elects to be on inactive status, shall, subject to the rules of the Department, be excused from payment of renewal fees until he notifies the Department in writing of his desire to resume active status and remits the renewal fee for the current annual period. During the period of inactive status, such nurse shall, for the purpose of practicing professional or practical nursing in this State, be deemed to be without a certificate and may not practice professional or practical nursing within Illinois. (Amended by act approved July 2, 1965)

Sec. 15. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate as a registered professional nurse or as a licensed practical nurse or otherwise discipline a holder of a certificate upon proof that the person:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license to practice

nursing; or

2. Is guilty of a felony or gross immorality; or

3. Is unfit or incompetent by reason of

gross negligence; or

4. Is habitually intemperate or intoxicated or is addicted to the use of habit-forming drugs; or

5. Is a person in need of mental treatment as defined in the Mental Health Code; or

6. Engages in dishonorable, unethical or unprofessional conduct of a character likely to

deceive, defraud or harm the public; or

7. Has failed to file a petition for naturalization within 90 days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under the Naturalization Act within 90 days thereafter or, if not eligible for naturalization under the Naturalization Act, failure to take and file with the Department the oath set out in Section 8 of this Act; or (Amended by act approved August 2, 1965)

8. Has wilfully or repeatedly violated any

of the provisions of this Act.

The entry of a decree by any court of competent jurisdiction establishing that any person holding a certificate under this Act is a person in need of mental treatment operates as a suspension of such certificate. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recomendation to the Director that such holder be permitted to resume his practice. (Amended by act approved August 10, 1965)

Sec. 15.1. No action of a disciplinary nature which is predicated on charges alleging unethical or unprofessional conduct of a person who is a registered professional nurse or a licensed practical nurse and which can be reasonably expected to affect adversely that person's maintenance of his present, or his securing of future, employment as such a nurse may be taken by the Department, by any association or by any person unless the person against whom such charges are made is afforded the right to be represented by legal counsel of his choosing and to present any witness, whether

an attorney or otherwise, to testify on matters relevant to such charges. (Added by act approved August 10, 1965)

- Sec. 16. Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.
- Sec. 17. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".
- Sec. 18. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of seventy cents per page for the original and twenty-five cents per page for each carbon copy thereof representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.
- Sec. 19. An order of revocation or suspension, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:
- 1. such signature is the genuine signature of the Director:
- 2. that such Director is duly appointed and qualified:
- 3. that the Committee and the members thereof are qualified to act.

- Sec. 20. Repealed by act approved Aug. 24, 1965.
- Sec. 21. Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and
- 3. if he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within 90 days after becoming eligible to do so or if not eligible for naturalization under the Naturalization Act, if he or she has taken and filed with the Department the oath set out in Section 8 of this Act. (Amended by act approved August 2, 1965)
- Sec. 22. 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$25; and as a licensed prac-

tical nurse is \$15. No further fee shall be charged for issuing the certificate of registration.

- 2. The fee to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse is \$5.
- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jurisdiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$25; and as a licensed practical nurse \$15.
- 5. The fee to be paid for the reinstatement of a certificate of registration which has expired not more than 5 years is \$5 plus all lapsed renewal fees.
- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than 5 years is: for a registered professional nurse \$30; and for a licensed practical nurse \$30.
- 7. The fee to be paid for an examination to determine preliminary education is \$5.

Sec. 23. No person shall:

1. Practice professional nursing without a valid certificate as a registered professional nurse:

2. Practice practical nursing without a valid certificate as a licensed practical nurse; or practice practical nursing other than under the direction of a licensed physician, licensed dentist, or registerd professional nurse;

3. Practice nursing under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or

under fraudulent representation;

4. Practice professional nursing or practical nursing during the time his license is suspended

or revoked or on inactive status;

5. Use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that he is a registered professional nurse, including the titles or initials, "Registered Nurse", "Professional Nurse", "Registered Professional Nurse", "Certified Nurse", "Trained Nurse", "Graduate Nurse", "P.N.", or "R.P.N." or similar titles or initials with intention of indicating practice without a valid certificate as a registered professional nurse;

6. Use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that he is a licensed practical nurse, including the titles or initials "Practical Nurse", "Licensed Practical Nurse", "P.N.", or "L.P.N.", or similar titles or initials, with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed prac-

tical nurse under this Act:

7. Obtain or furnish a certificate, by or for money or any other thing of value other than the fees required by Section 22, or by any fraudulent representation or act:

8. Make any wilfully false oath or affirma-

tion required by this Act;

9. Conduct a school of professional or practical nursing unless the school is approved by the Department under the provisions of this Act:

10. Represent that any school or course is approved or accredited as a school or course for the training of registered professional nurses or licensed practical nurses unless such school or course is approved by the Department under the provisions of this Act.

11. Attempt or offer to do any of the acts enumerated in this Section, or aid, abet, assist in the doing of any such acts or in the attempt

or offer to do any of such acts.

12. Otherwise violate any provision of this Act:

Any person, including a firm, association or corporation who violates any provision of this Section shall be fined not less than \$50 nor more than \$1,000 or imprisoned in a penal institution other than a penitentiary for not more than one year, or both, for each offense. (Amended by act approved August 10, 1965)

Sec. 23.1. Repealed.

Sec. 23.2. Until December 31, 1968 but not thereafter every resident school of practical nursing which shall have been in continuous operation by conducting resident classroom instruction from February 1, 1962 until the effective date of this amendatory Act of 1965 under a certificate of registration issued by the Department under "An Act defining and providing for the registration and regulation of vocational schools and classes and the registration of solicitors of such schools, conferring powers, and imposing duties on the Department of Registration and Education, and prescribing penalties, and to repeal an Act herein named", as heretofore and hereafter amended, shall continue to be registered and regulated under and in compliance with the terms of that Act. (Added by act approved August 10, 1965)

Sec. 23.3. Until December 31, 1968, a person who has completed the required program in

practical nursing under the provisions of Section 23.2 of this Act, as amended, and in addition, after the completion of such required program, has had not less than 18 months of substantially full time clinical experience in any licensed hospital and/or licensed nursing home in the State of Illinois, which clinical experience shall be verified by the affidavits of one physician licensed in Illinois and one registered nurse licensed in Illinois, who have personal knowledge of the applicant's qualifications, and has passed an examination conducted by the Department under this Act shall be qualified to receive a certificate as a licensed practical nurse. (Added by act approved August 10, 1965)

Sec. 23.4. No correspondence school offering courses in practical nursing shall be licensed or have an existing license renewed after the effective date of this amendatory Act of 1965. Nothing herein contained shall prohibit any correspondence school from completing service to those students who have enrolled as a result of advertising placed prior to the expiration date of the school's existing license. (Added by act approved August 10, 1965)

Sec. 24. The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of regis-

tration has been suspended or revoked or expired, from practicing professional nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing professional nursing without having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Sec. 26. The sum of \$25,000, or so much thereof as may be necessary, is appropriated to the Department of Registration and Education for the purpose of administering the provisions of this Act which relate to practical nursing.

Sec. 27. "An Act to revise the law in relation to the regulation of the practice of professional nursing and to repeal 'An Act to revise the law in relation to the regulation of the practice of nursing' approved June 19, 1919, as amended, and to make an appropriation therefore", approved July 8, 1947 as amended, is repealed.





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THE ILLINOIS NURSING ACT

Chapter 91-Illinois Revised Statutes

STATE OF ILLINOIS
OTTO KERNER, Governor

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THE ILLINOIS NURSING ACT

SEC

1. Short Title.

 $\bar{2}$. Necessity of Practice-Professional Nursing-Acts not prohibited.

3. Practical Nursing-Acts not prohibited.

Definitions. 4.

5. Powers and duties of Department.

6.

Written action of majority, necessary.
Duties and functions of director—committee— 7. nursing education coordinator and assistantadvisory council.

8. Requirements for Professional Nurse registra-

tion.

9. Requirements for Practical Nurse license.

9.1. Practical Nursing-Waiver.

9.2.Valid Practical Nurse license. 10. Application for certifications, registration or license.

11. Examinations.

Issuance of certificates—certificates previously 12. issued

13. Renewal of certificates.

14. Restoration of expired certificates. 15. Refusal, suspension or revocation of certificate cause—resignation of practice after suspension for mental illness.

15.1. Charges of unethical or unprofessional con-

duct.

16. Manner of revocation of certificate.

17. Review of administrative decisions. 18. Certification of record or other appearance in proceeding for review-Fee.

19. Order of revocation prima facie evidence.

20. Repealed.

21. Reciprocity.

22. Fees.

23. Offenses-Penalty.

23.1. Repealed.

23.2. Resident schools of practical nursing.

Requirements for Practical Nurse license for 23.3.

graduates under Sec. 23.2. Correspondence Schools. 23.4.

24. Injunctive relief. Partial invalidity. 26.

Appropriation. 27. Repeal.

AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an Act therein named. (Approved June 14, 1951, as amended)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act may be known and cited as "The Illinois Nursing Act."

Sec. 2. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois shall submit evidence that he is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

1. The practice of nursing in Federal employment in the discharge of the employee's duties by a person who (a) is employed by the United States government or any bureau, division or agency thereof and (b) is a legally qualified and licensed nurse of another state or territory;

2. The practice of nursing which is included in their program of study by students enrolled in schools of nursing approved by the Depart-

ment:

3. The furnishing of nursing assistance in

an emergency;

4. The incidental care of the sick by members of the family, domestic servants or house-keepers, or care of the sick where treatment is by prayer or spiritual means;

- 5. The practice of professional nursing by one who has applied in writing to the Department, in form and substance satisfactory to the Department, for a certificate as a registered professional nurse and has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate, until: (a) the expiration of 6 months after the filing of such written application, or (b) the decision of the Department that the applicant has failed to pass an examination within 6 months or failed without an approved excuse to take an examination conducted within 6 months by the Department, or (c) the withdrawal of the application;
- 6. The practice of professional nursing by one who is a registered professional nurse under the laws of a foreign jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a certificate of registration as a registered professional nurse and who is qualified to receive such certificate under Section 21, until: (a) the expiration of 6 months after the filing of such written application, or (b) the withdrawal of such application, or (c) the denial of such application by the Department. (Amended by act approved July 2, 1965)
- Sec. 3. No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not apply to persons employed as nursing aides, attendants, orderlies and other auxiliary workers in private homes, nursing homes, nurseries, hospitals or other institutions. (Amended by act approved August 10, 1965)

Sec. 4. When used in this Act:

1. "Professional nursing" means the performance for compensation of any nursing act

(a) in the observation, care and counsel of the ill, injured or infirm; or (b) in the maintenance of health or prevention of illness of others; or (c) the administration of medications and treatments as prescribed by a licensed physician or dentist; or (d) any act in the supervision or teaching of nursing; any of which requires substantial specialized judgment and skill and the proper performance of which is based on knowledge and application of the principles of biological, physical and social science acquired by means of a completed course in an approved school of professional nursing. The foregoing shall not be deemed to include acts of medical diagnosis or prescription of therapeutic or corrective measures.

2. "Registered Nurse" or "Registered Professional Nurse" means a person who is registered under this Act and practices professional nursing as defined in paragraph 1 of this Section. Only a registered nurse registered under this Act is entitled to use the titles "registered nurse" and "registered professional nurse" and

the abbreviation, "R.N.".

3. "Practical nursing" means the performance for compensation of acts in the care of the ill, injured, or infirm, selected by and performed under the direction of a registered professional nurse or a licensed physician or a licensed dentist, not requiring the substantial skill, judgment and knowledge required in professional nursing.

4. "Practical nurse" and "licensed practical nurse" mean a person who practices practical nursing as defined in paragraph 3 of this Section. Only a practical nurse licensed under this Act is entitled to use the title "licensed practical nurse" and the abbreviation "L.P.N.".

5. "Department" means the Department of

Registration and Education.

6. "Director" means the Director of Registration and Education.

7. "Assistant Director" means the Assistant Director of Registration and Education.

8. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.

istration and Education

9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.

10. "Nursing Education Coordinator" means the registered professional nurse appointed by the Director to carry out the administrative

policies of the Department.

11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

12. "Certificate" is the equivalent of "license", and "registered" is the equivalent of

"licensed".

- 13. "Approved school of professional nursing" and "approved school of practical nursing" are schools of professional or practical nursing, respectively, approved by the Department under the provisions of this Act. (Amended by act approved July 2, 1965)
- Sec. 5. Subject to the provisions of this Act, the Department shall:

1. Prescribe rules defining what constitutes a school of professional nursing and what con-

stitutes a school of practical nursing.

- 2. Adopt rules providing for the establishment and maintenance of a uniform and reasonable standard of educational programs to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the standing of such schools by reference to compliance with such rules; and provide for surveys of all such schools and their programs at such time as deemed necessary.
- 3. Prepare and maintain a list of approved schools of professional nursing and schools of

practical nursing in this State, whose graduates, if they have the other necessary qualifications provided in this Act, shall be eligible to apply for a license to practice nursing in this State.

4. Establish and maintain a minimum standard of preliminary education subject to Section 8 and Section 9 to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.

5. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed

practical nurses respectively.

6. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates as registered professional nurses and for certificates as licensed practical nurses, and pass upon the qualifications of applicants for licensure by endorsement.

7. Conduct hearings on proceedings to revoke, suspend or refuse renewal of licenses or certificates of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke, suspend or refuse to renew such licenses or certificates.

8. Formulate rules required for the administration of this Act. (Amended by act approved

August 10, 1965)

Sec. 6. None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. The Director shall:

1. Appoint the Committee, which shall be composed of 7 registered professional nurses,

having at least a Master's degree or its academic equivalent. Five members shall have had a minimum of 5 years' experience as a registered professional nurse in an approved school of professional nursing and be actively engaged in professional nursing education at the time of appointment. Two members shall have had a minimum of 5 years' experience in nursing education of which at least 2 years' experience shall have been in an approved school of practical nursing, and the remainder, if any, in an approved school of professional nursing and be actively engaged at the time of appointment in nursing education in an approved school of practical nursing. The persons serving as members on the effective date of this amendatory Act of 1965 shall serve until the end of the term for which they were appointed and subsequent members shall be appointed for a term of 3 years, except that the 2 members first appointed to fill the memberships authorized by this amendatory Act of 1965 shall be appointed for terms of one year, and the next 2 members shall be appointed for terms of 2 years. No member shall be eligible for appointment to more than 2 consecutive terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. The Committee shall receive actual and necessary expenses incurred in performance of their duties, carry out functions delegated to it by the Department, and

(a) Meet annually in the month of January and elect from its members a chairman and vice-chairman, and hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the Committee shall constitute a quorum at any

meeting.

(b) Adopt and revise such rules and regulations, not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this Act;

(c) Provide for such studies pertaining to

nursing as the Director may authorize;

(d) Keep a record of all its proceedings; and

(e) Make an annual report to the Director. Obtain, pursuant to the provisions of the "Personnel Code", approved July 18, 1955, as heretofore and hereafter amended, a Nursing Education Coordinator and assistants. Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nursing, and each shall be actively engaged in nursing education at the time the appointment is made. The Nursing Education Coordinator shall hold at least a Master's degree from an approved college or university; have at least 10 years' experience since graduation, of which at least 6 years' experience has been in progressively responsible positions in nursing education. Each assistant shall hold at least a master's degree from an approved college or university; and have at least 6 years' experience since graduation, of which at least 3 years' experience has been in progressively responsible positions in nursing education. The Nursing Education Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director.

3. Appoint an Advisory Council of 8 members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. Persons serving as members on the effective date of this amendatory Act of 1965 shall serve until the end of the term for which they were appointed and subsequent members shall be appointed for a term of 3 years, except that the

member first appointed to fill the membership authorized by this amendatory Act of 1965 shall be appointed for a term of one year and the next 2 members shall be appointed for terms of 2 years. No member shall be eligible for reappointment for more than 2 terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general education, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, membership on the governing board of a university or college with an approved school of nursing, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties. (Amended by act approved July 2, 1965)

Sec. 8. A person shall be qualified to receive a certificate as a registered professional nurse if he:

1. is at least 18 years of age;

2. is of good moral character and temperate habits, a citizen of the United States or has made a declaration of intention to become a citizen and files a petition for naturalization within 90 days after becoming eligible to do so or, if not eligible for naturalization under the Naturalization Act, who has taken and filed with the Department an oath that, while in the United States, he or she will remain loyal to the Constitution of the United States and not affiliate with any organization which advocates the overthrow of the government of the United States by force or violence. This loyalty oath shall expire after a period of 5

years and may not be renewed; (Amended by

act approved August 2, 1965)

3. has graduated from an approved high school or has demonstrated equivalent competency as determined by an examination approved by the Department;

4. has completed the required approved professional nursing program of not less than two years in an approved school and has graduated

from the school: and

- 5. has passed an examination conducted by the Department to determine his fitness to receive a certificate as a registered professional nurse. (Amended by act approved July 2, 1965)
- Sec. 9. A person shall be qualified to receive a certificate as a licensed practical nurse if he:

1. is at least 18 years of age;

- 2. is of good moral character and temperate habits, a citizen of the United States or has made a declaration of intention to become a citizen and files a petition for naturalization within 90 days after becoming eligible to do so or, if not eligible for naturalization under the Naturalization Act, who has taken and filed with the Department the oath required by Section 8 of this Act; (Amended by act approved August 2, 1965)
- 3. has completed a 2 year course of study in an approved high school or has demonstrated equivalent competency as determined by an examination approved by the Department;

4. has completed the educational program prescribed by the Department in an approved

school of practical nursing; and

5. has passed an examination conducted by the Department to determine his fitness to receive a certificate as a licensed practical nurse. (Amended by act approved August 10, 1965)

Sec. 9.1. A person who has practiced practical nursing in this State at least 3 years

within the 5 year period immediately preceding the effective date of this Act shall be qualified to receive a certificate as a licensed practical nurse if he:

1. files with the Department an application between January 1, 1966 and July 1, 1967, satisfactory in form and substance to the Depart-

ment; and

2. has the endorsement of one physician licensed in Illinois, and one registered nurse licensed in Illinois or exempt from licensure under paragraph 1 of Section 2, who have personal knowledge of the applicant's qualifications, and 2 persons who have employed the applicant; and

3. passes an examination given by the Department. (Added by act approved August 10,

1965)

Sec. 9.2 A certificate to practice as a practical nurse issued by the Department and valid on the effective date of this amendatory Act of 1965 shall not be rendered invalid by the enactment of this amendatory Act of 1965. (Added by act approved August 10, 1965)

Sec. 10. Whoever desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompained by the required fee.

Sec. 11. The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for

certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.

Sec. 12. The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service. authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1, in any year, shall expire on that date.

Sec. 14. A registered professional nurse or licensed practical nurse whose certificate has expired for not more than 5 years may have it reinstated upon payment of all lapsed renewal fees and the required reinstatement fee.

Any registered professional nurse or licensed practical nurse whose certificate has expired for more than 5 years may have it restored only by paying the required fee, by providing the

Department a satisfactory explanation for such failure to renew and, in the discretion of the Department, by passing a satisfactory examination conducted by the Department to determine his fitness to have it restored.

Any registered professional nurse or licensed practical nurse whose certificate has expired while he was engaged in the military service of the United States may have it restored within 2 years following honorable discharge by pay-

ing only the current renewal fee.

Any nurse who notifies the Department in writing that he elects to be on inactive status. shall, subject to the rules of the Department, be excused from payment of renewal fees until he notifies the Department in writing of his desire to resume active status and remits the renewal fee for the current annual period. During the period of inactive status, such nurse shall, for the purpose of practicing professional or practical nursing in this State, be deemed to be without a certificate and may not practice professional or practical nursing within Illinois. (Amended by act approved July 2, 1965)

Sec. 15. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate as a registered professional nurse or as a licensed practical nurse or otherwise discipline a holder of a certificate upon proof that the person:

Is guilty of fraud or deceit in procuring or attempting to procure a license to practice

nursing: or

Is guilty of a felony or gross immorality; or

Is unfit or incompetent by reason of

gross negligence: or

Is habitually intemperate or intoxicated or is addicted to the use of habit-forming drugs; or

5. Is a person in need of mental treatment as defined in the Mental Health Code; or

6. Engages in dishonorable, unethical or unprofessional conduct of a character likely to

deceive, defraud or harm the public; or

7. Has failed to file a petition for naturalization within 90 days after becoming eligible to do so, or if such petition has been filed to become a citizen of the United States under the Naturalization Act within 90 days thereafter or, if not eligible for naturalization under the Naturalization Act, failure to take and file with the Department the oath set out in Section 8 of this Act; or (Amended by act approved August 2, 1965)

8. Has wilfully or repeatedly violated any

of the provisions of this Act.

The entry of a decree by any court of competent jurisdiction establishing that any person holding a certificate under this Act is a person in need of mental treatment operates as a suspension of such certificate. Such person may resume his practice only upon a finding by the Committee that the holder of such certificate has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Committee's recomendation to the Director that such holder be permitted to resume his practice. (Amended by act approved August 10, 1965)

Sec. 15.1. No action of a disciplinary nature which is predicated on charges alleging unethical or unprofessional conduct of a person who is a registered professional nurse or a licensed practical nurse and which can be reasonably expected to affect adversely that person's maintenance of his present, or his securing of future, employment as such a nurse may be taken by the Department, by any association or by any person unless the person against whom such charges are made is afforded the right to be represented by legal counsel of his choosing and to present any witness, whether

an attorney or otherwise, to testify on matters relevant to such charges. (Added by act approved August 10, 1965)

- Sec. 16. Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.
- Sec. 17. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".
- Sec. 18. The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of seventy cents per page for the original and twenty-five cents per page for each carbon copy thereof representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.
- Sec. 19. An order of revocation or suspension, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:
- 1. such signature is the genuine signature of the Director:
- that such Director is duly appointed and qualified:
- 3. that the Committee and the members thereof are qualified to act.

Sec. 20. Repealed by act approved Aug. 24, 1965.

- Sec. 21. Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment: or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and
- 3. if he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within 90 days after becoming eligible to do so or if not eligible for naturalization under the Naturalization Act, if he or she has taken and filed with the Department the oath set out in Section 8 of this Act. (Amended by act approved August 2, 1965)
- Sec. 22. 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration; as a registered professional nurse is \$25; and as a licensed prac-

tical nurse is \$15. No further fee shall be charged for issuing the certificate of registration.

- 2. The fee to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse is \$5.
- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jurisdiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$25; and as a licensed practical nurse \$15.
- 5. The fee to be paid for the reinstatement of a certificate of registration which has expired not more than 5 years is \$5 plus all lapsed renewal fees.
- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than 5 years is: for a registered professional nurse \$30; and for a licensed practical nurse \$30.
- 7. The fee to be paid for an examination to determine preliminary education is \$5.

Sec. 23. No person shall:

1. Practice professional nursing without a valid certificate as a registered professional nurse:

2. Practice practical nursing without a valid certificate as a licensed practical nurse; or practice practical nursing other than under the direction of a licensed physician, licensed dentist, or registerd professional nurse;

3. Practice nursing under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or

under fraudulent representation;

4. Practice professional nursing or practical nursing during the time his license is suspended

or revoked or on inactive status;

5. Use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that he is a registered professional nurse, including the titles or initials, "Registered Nurse", "Professional Nurse", "Registered Professional Nurse", "Certified Nurse", "Trained Nurse", "Graduate Nurse", "P.N.", "R.N.", or "R.P.N." or similar titles or initials with intention of indicating practice without a valid certificate as a registered professional nurse;

6. Use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that he is a licensed practical nurse, including the titles or initials "Practical Nurse", "Licensed Practical Nurse", "P.N.", or "L.P.N.", or similar titles or initials, with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed prac-

tical nurse under this Act;

7. Obtain or furnish a certificate, by or for money or any other thing of value other than the fees required by Section 22, or by any fraudulent representation or act;

8. Make any wilfully false oath or affirma-

tion required by this Act;

9. Conduct a school of professional or practical nursing unless the school is approved by the Department under the provisions of this Act:

10. Represent that any school or course is approved or accredited as a school or course for the training of registered professional nurses or licensed practical nurses unless such school or course is approved by the Department under the provisions of this Act:

11. Attempt or offer to do any of the acts enumerated in this Section, or aid, abet, assist in the doing of any such acts or in the attempt.

or offer to do any of such acts.

12. Otherwise violate any provision of this

Any person, including a firm, association or corporation who violates any provision of this Section shall be fined not less than \$50 nor more than \$1,000 or imprisoned in a penal institution other than a penitentiary for not more than one year, or both, for each offense. (Amended by act approved August 10, 1965)

Sec. 23.1. Repealed.

Sec. 23.2. Until December 31, 1968 but not thereafter every resident school of practical nursing which shall have been in continuous operation by conducting resident classroom instruction from February 1, 1962 until the effective date of this amendatory Act of 1965 under a certificate of registration issued by the Department under "An Act defining and providing for the registration and regulation of vocational schools and classes and the registration of solicitors of such schools, conferring powers, and imposing duties on the Department of Registration and Education, and prescribing penalties, and to repeal an Act herein named", as heretofore and hereafter amended, shall continue to be registered and regulated under and in compliance with the terms of that Act. (Added by act approved August 10, 1965)

Sec. 23.3. Until December 31, 1968, a person who has completed the required program in

practical nursing under the provisions of Section 23.2 of this Act, as amended, and in addition, after the completion of such required program, has had not less than 18 months of substantially full time clinical experience in any licensed hospital and/or licensed nursing home in the State of Illinois, which clinical experience shall be verified by the affidavits of one physician licensed in Illinois and one registered nurse licensed in Illinois, who have personal knowledge of the applicant's qualifications, and has passed an examination conducted by the Department under this Act shall be qualified to receive a certificate as a licensed practical nurse. (Added by act approved August 10, 1965)

Sec. 23.4. No correspondence school offering courses in practical nursing shall be licensed or have an existing license renewed after the effective date of this amendatory Act of 1965. Nothing herein contained shall prohibit any correspondence school from completing service to those students who have enrolled as a result of advertising placed prior to the expiration date of the school's existing license. (Added by act approved August 10, 1965)

Sec. 24. The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of regis-

tration has been suspended or revoked or expired, from practicing professional nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing professional nursing without having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Sec. 26. The sum of \$25,000, or so much thereof as may be necessary, is appropriated to the Department of Registration and Education for the purpose of administering the provisions of this Act which relate to practical nursing.

Sec. 27. "An Act to revise the law in relation to the regulation of the practice of professional nursing and to repeal 'An Act to revise the law in relation to the regulation of the practice of nursing' approved June 19, 1919, as amended, and to make an appropriation therefore", approved July 8, 1947 as amended, is repealed.





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The Illinois Nursing Act

III. Rev. Stat. 1967, Ch. 91 35.32 to 35.56

STATE OF ILLINOIS SAMUEL H. SHAPIRO, Governor



UNIVERSTY OF ILLINOIS

DEPARTMENT OF

REGISTRATION AND EDUCATION

JOHN C. WATSON, Director

SPRINGFIELD, ILLINOIS 62706

1968

(Printed by Authority of the State of Illinois)

INDEX

Sec. 1.

Short title.

Necessity of license-acts not prohibited. 2.

2.a Emergency care—exemption from civil liabilitv. 3

Practical nurses-necessity of license-exceptions

4. Definitions.

Powers and duties of Department. Written action of majority required. 5.

6.

7. Appointments by Director-Committee-Council—Nursing Education Coordinator and assistants—Advisory Council.

8. Registered professional nurse-qualifications.

9. Licensed practical nurse-qualifications.

Practicing practical nurses-conditions for 9.1.-1 receipt of certificate.

Certificate holders-effect of 1965 act.

10. Application for certificate.

11. Examinations.

12. Certificate of registration.

13. Annual renewal of certificate-expiration.

14. Reinstatement or restoration of certificateinactive status.

15. Refusal, suspension or revocation of certificate -grounds-persons in need of mental treatment.

15.1.-1 Actions based on charges of unethical or unprofessional conduct-counsel and wit-

16.

Manner of revocation or suspension. Judicial review of administrative decisions. 17.

18. Deposit of costs for certification of record or file.

Order of revocation or suspension as prima 19. facie evidence.

20 Repealed.

21. Nurses licensed in other states or countriesgrant of certificate.

22. Fees.

23. Offenses-punishment.

Repealed. 23.1

Resident schools of practical nurses—discon-tinuance of registration and regulation un-23.2 der act concerning vocational schools.

23.3 Persons completing course under preceding section—qualification for practical nurse li-

cense.

23.4 Correspondence schools for practical nursesdiscontinuance.

24. Practice without certificate declared public nuisance-injunction.

25. Partial invalidity.

NURSING

AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an act therein named. Approved June 14, 1951.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec.1. [Short title.] This Act may be known and cited as "The Illinois Nursing Act."

Sec. 2. [Necessity of license—Acts not prohibited.] For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois shall submit evidence that he is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

- 1. The practice of nursing in Federal employment in the discharge of the employee's duties by a person who (a) is employed by the United States government or any bureau, division or agency thereof and (b) is a legally qualified and licensed nurse of another state or territory;
- 2. The practice of nursing which is included in their program of study by students enrolled in schools of nursing approved by the Department;
- 3. The furnishing of nursing assistance in and emergency;

- 4. The incidental care of the sick by members of the family, domestic servants or house-keepers, or care of the sick where treatment is by prayer or spiritual means;
- 5. The practice of professional nursing by one who has applied in writing to the Department, in form and substance satisfactory to the Department, for a certificate as a registered professional nurse and has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate, until: (a) the expiration of 6 months after the filing of such written application, or (b) the decision of the Department that the applicant has failed to pass an examination within 6 months or failed without an approved excuse to take an examination conducted within 6 months by the Department, or (c) the withdrawal of the application;
- 6. The practice of professional nursing by one who is a registered professional nurse under the laws of a foreign jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a certificate of registration as a registered professional nurse and who is qualified to receive such certificate under Section 21, until: (a) the expiration of 6 months after the filing of such written application, or (b) the withdrawal of such application, or (c) the denial of such application by the Department. As amended by act approved July 2, 1965.
- Sec. 2.a. [Emergency care—Exemption from civil liability.] Any person licensed pursuant to this Act or any person licensed as a professional nurse in any other state or territory of the United States who in good faith provides emergency care without fee at the scene of a motor vehicle accident or in case of nuclear attack shall not, as a result of his acts or omissions, except for wilful or wanton misconduct

on the part of such person, in providing such care, be liable for civil damages. Added by act approved July 26, 1967.

Sec. 3. [Practical nurses—Necessity of license—Exceptions.] No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not apply to persons employed as nursing aids, attendants, orderlies and other auxiliary workers in private homes, nursing homes, nurseries, hospitals or other institutions. As amended by act approved Sept. 7, 1967.

Sec. 4. [Definitions.] When used in this Act:

- 1. "Professional nursing" means the performance for compensation of any nursing act (a) in the observation, care and counsel of the ill, injured or infirm; or (b) in the maintenance of health or prevention of illness of others; or (c) the administration of medications and treatments as prescribed by a licensed physician or dentist; or (d) any act in the supervision or teaching of nursing; any of which requires substantial specialized judgment and skill and the proper performance of which is based on knowledge and application of the principles of biological, physical and social science acquired by means of a completed course in an approved school of professional nursing. The foregoing shall not be deemed to include acts of medical diagnosis or prescription of therapeutic or corrective measures.
- 2. "Registered Nurse" or "Registered Professional Nurse" means a person who is registered under this Act and practices professional nursing as defined in paragraph 1 of this Section. Only a registered nurse registered under this Act is entitled to use the titles "reg-

istered nurse" and "registered professional nurse" and the abbreviation, "R.N.".

- 3. "Practical nursing" means the performance for compensation of acts in the care of the ill, injured, or infirm, selected by and performed under the direction of a registered professional nurse or a licensed physician or a licensed dentist, not requiring the substantial skill, judgment and knowledge required in professional nursing.
- 4. "Practical nurse" and "licensed practical nurse" mean a person who practices practical nursing as defined in paragraph 3 of this Section. Only a practical nurse licensed under this Act is entitled to use the title "licensed practical nurse" and the abbreviation "L.P.N.".
- 5. "Department" means the Department of Registration and Education.
- 6. "Director" means the Director of Registration and Education.
- 7. "Assistant Director" means the Assistant Director of Registration and Education.
- 8. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.
- 10. "Nursing Education Coordinator" means the registered professional nurse appointed by the Director to carry out the administrative policies of the Department.
- 11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.
- 12. "Certificate" is the equivalent of "license", and "registered" is the equivalent of "licensed".

- 13. "Approved school of professional nursing" and "approved school of practical nursing" are schools of professional or practical nursing, respectively, approved by the Department under the provisions of this Act. As amended by act approved July 2, 1965.
- Sec. 5. [Powers and duties of the Department.] Subject to the provisions of this Act, the Department shall:
- 1. Prescribe rules defining what constitutes a school of professional nursing and what constitutes a school of practical nursing.
- 2. Adopt rules providing for the establishment and maintenance of a uniform and reasonable standard of educational programs to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the standing of such schools by reference to compliance with such rules; and provide for surveys of all such schools and their programs at such times as deemed necessary.
- 3. Prepare and maintain a list of approved schools of professional nursing and schools of practical nursing in this State, whose graduates, if they have the other necessary qualifications provided in this Act, shall be eligible to apply for a license to practice nursing in this State.
- 4. Establish and maintain a minimum standard of preliminary education subject to Section 8 and Section 9 to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.
- 5. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates

upon passing an examination to practice as registered professional nurses and licensed

practical nurses respectively.

6. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates as registered professional nurses and for certificates as licensed practical nurses, and pass upon the qualifications of applicants for licensure by endorsement.

- 7. Conduct hearings on proceedings to revoke, suspend or refuse renewal of licenses or certificates of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke, suspend or refuse to renew such licenses or certificates.
- 8. Formulate rules required for the administration of this Act. As amended by act approved Aug. 10, 1965.
- Sec. 6. [Written action of majority required.] None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.
- Sec. 7. [Appointments by Director—Committee—Council Nursing Education Coordinator and Assistants—Advisory Council.] The Director shall:
- 1. Appoint the Committee, which shall be composed of 7 registered professional nurses, having at least a Master's degree or its academic equivalent. Five members shall have had a minimum of 5 years' experience as a registered professional nurse in an approved school of professional nursing and be actively engaged in professional nursing education at the time of appointment. Two members shall have had a minimum of 5 years' experience in nursing education of which at least 2 years' experience shall have been in an approved school of practical nursing, and the remainder, if any, in

an approved school of professional nursing and be actively engaged at the time of appointment in nursing education in an approved school of practical nursing. The persons serving as memhers on the effective date of this amendatory Act of 1965 shall serve until the end of the term for which they were appointed and subsequent members shall be appointed for a term of 3 years, except that the 2 members first appointed to fill the memberships authorized by this amendatory Act of 1965 shall be appointed for terms of one year, and the next 2 members shall be appointed for terms of 2 years. member shall be eligible for appointment to more than 2 consecutive terms and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. Committee shall receive actual and necessary expenses incurred in performance of their duties, carry out functions delegated to it by the Department, and

(a) Meet annually in the month of January and elect from its members a chairman and vice-chairman, and hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the Committee shall constitute a quorum at any

meeting.

(b) Adopt and revise such rules and regulations, not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this Act;

- (c) Provide for such studies pertaining to nursing as the Director may authorize;
 - (d) Keep a record of all its proceedings; and
 - (e) Make an annual report to the Director.
- 2. Obtain, pursuant to the provisions of the "Personnel Code", approved July 18, 1955, as

heretofore and hereafter amended, a Nursing Education Coordinator and assistants. Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nursing, and each shall be actively engaged in nursing education at the time the appointment is made. The Nursing Education Coordinator shall hold at least a Master's degree from an approved college or university; have at least 10 years' erperience since graduation, of which at least 6 years' experience has been in progressively responsible positions in nursing education. Each assistant shall hold at least master's degree from an approved college or university; and have at least 6 years' experience since graduation, of which at least 3 years' experience has been in progressively responsible positions in nursing education. The Nursing Education Coordinator and assistants shall perform such administrative functions as may be delegated to them by the Director.

Appoint an Advisory Council of 8 members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. Persons serving as members on the effective date of this amendatory Act of 1965 shall serve until the end of the term for which they were appointed and subsequent members shall be appointed for a term of 3 years, except that the member first appointed to fill the membership authorized by this amendatory Act of 1965 shall be appointed for a term of one year and the next 2 members shall be appointed for terms of 2 years. No nember shall be eligible for reappointment for more than 2 terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general education, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, membership on the governing board of a university or college with an approved school of nursing, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties. As amended by act approved July 2, 1965.

Sec. 8. [Registered professional nurse—Qualifications.] A person shall be qualified to receive a certificate as a registered professional nurse if he:

1. is at least 18 years of age;

- 2. is of good moral character and temperate habits, a citizen of the United States or has made a declaration of intention to become a citizen and files a petition for naturalization within 90 days after becoming eligible to do so or, if not eligible for naturalization under the Naturalization Act, has taken and filed with the Department an oath that, while in the United States, he will remain loyal to the Constitution of the United States and not affiliate with any organization which advocates the overthrow of the government of the United States by force or violence. This loyalty oath shall expire after a period of 5 years and may not be renewed;
- 3. has graduated from an approved high school or has demonstrated equivalent competency as determined by an examination approved by the Department;
- 4. has completed the required approved professional nursing program of not less than two years in an approved school and has graduated from the school; and

- 5. has passed an examination conducted by the Department to determine his fitness to receive a certificate as a registered professional nurse. As amended by act approved Sept. 7, 1967.
- Sec. 9. [Licensed practical nurse—Qualifications.] A person shall be qualified to receive a certificate as a licensed practical nurse if he:
 - 1. is at least 18 years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or has made a declaration of intention to become a citizen and files a petition for naturalization within 90 days after becoming eligible to do so or, if not eligible for naturalization under the Naturalization Act, has taken and filed with the Department the oath required by Section 8 of this Act;
- 3. has completed a 2 year course of study in an approved high school or has demonstrated equivalent competency as determined by an examination approved by the Department;
- 4. has completed the educational program prescribed by the Department in an approved school of practical nursing; and
- 5. has passed an examination conducted by the Department to determine his fitness to receive a certificate as a licensed practical nurse. As amended by act approved Sept. 7, 1967.
- Sec. 9.1. [Practicing practical nurses—Conditions for receipt of certificate.] A person who has practiced practical nursing in this State at least 3 years within the 5 year period immediately preceding the effective date of this Act shall be qualified to receive a certificate as a licensed practical nurse if he:
- 1. files with the Department an application between January 1, 1966 and July 1, 1967, satis-

factory in form and substance to the Department; and

- 2. has the endorsement of one physician licensed in Illinois, and one registered nurse licensed in Illinois or exempt from licensure under paragraph 1 of Section 2, who have personal knowledge of the applicant's qualifications, and 2 persons who have employed the applicant; and
- 3. passes an examination given by the Department. Added by act approved Aug. 10, 1965.
- Sec. 9.2. [Certificate holders—Effect of 1965 act.] A certificate to practice as a practical nurse issued by the Department and valid on the effective date of this amendatory Act of 1965 shall not be rendered invalid by the enactment of this amendatory Act of 1965. Added by act approved Aug. 10, 1965.
- Sec. 10. [Application for certificate.] Whoever desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.
- Sec. 11. [Examinations.] The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of

professional nursing or in schools of practical nursing approved by the Department.

Sec. 12. [Certificate of registration.] The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to restoration within two years after honorable termination of military service with the United States when it has expired during such service, authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. [Annual renewal of certificate—Expiration.] Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1 in any year, shall expire on that date.

Sec. 14. [Reinstatement or restoration of certificate—Inactive status.] A registered professional nurse or licensed practical nurse whose certificate has expired for not more than 5 years may have it reinstated upon payment of all lapsed renewal fees and the required reinstatement fee.

Any registered professional nurse or licensed practical nurse whose certificate has expired for more than 5 years may have it restored only by paying the required fee, by providing the Department a satisfactory explanation for such failure to renew and, in the discretion of the Department, by passing a satisfactory examination conducted by the Department to determine his fitness to have it restored.

Any registered professional nurse or licensed practical nurse whose certificate has expired while he was engaged in the military service of the United States may have it restored within 2 years following honorable discharge by paying only the current renewal fee.

Any nurse who notifies the Department in writing that he elects to be on inactive status, shall, subject to the rules of the Department, be excused from payment of renewal fees until he notifies the Department in writing of his desire to resume active status and remits the renewal fee for the current annual period. During the period of inactive status, such nurse shall, for the purpose of practicing professional or practical nursing in this State, be deemed to be without a certificate and may not practice professional or practical nursing within Illinois. As amended by act approved July 2, 1965.

- Sec. 15. [Refusal, suspension or revocation of certificate—Grounds—Persons in need of mental treatment.] The Department may refuse to issue, may refuse to renew, may suspend or may revoke any certificate as a registered professional nurse or as a licensed practical nurse or otherwise discipline a holder of a certificate upon proof that the person:
- 1. Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;
 - 2. Is guilty of gross immorality;
- 3. Has been convicted in this or another State of any crime which is a felony under the laws of this State or has been convicted of a felony in a federal court;

- 4. Is unfit or incompetent by reason of gross negligence;
- 5. Is habitually intemperate or intoxicated or is addicted to the use of habit-forming drugs;
- 6. Engages in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;
- 7. Has failed to file a petition for naturalization within 90 days after becoming eligible to do so; or, if a petition has been filed, to become a citizen of the United States under the Naturalization Act within 90 days thereafter or, if not eligible for naturalization under the Naturalization Act, failure to take and file with the Department the oath set out in Section 8 of this Act; or
- 8. Has wilfully or repeatedly violated any of the provisions of this Act.

The entry of a decree by any circuit court establishing that any person holding a certificate under this Act is a person in need of mental treatment operates as a suspension of his certificate. That person may resume his practice only upon a finding by the Committee that he has been determined to be recovered from mental illness by the court and upon the Committee's recommendation to the Director that he be permitted to resume his practice. As amended by act approved May 5, 1967.

Sec. 15.1. [Actions based on charges of unethical or unprofessional conduct—Counsel and witnesses.] No action of a disciplinary nature which is predicated on charges alleging unethical or unprofessional conduct of a person who is a registered professional nurse or a licensed practical nurse and which can be reasonably expected to affect adversely that person's maintenance of his present, or his securing of future, employment as such a nurse

may be taken by the Department, by any association or by any person unless the person against whom such charges are made is afforded the right to be represented by legal counsel of his choosing and to present any witness, whether an attorney or otherwise to testify on matters relevant to such charges. Added by act approved Aug. 10, 1965.

Sec. 16. [Manner of revocation or suspension.] Certificates may be revoked or suspenpended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.

Sec. 17. [Judicial review of administrative decisions.] All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

Sec. 18. [Deposit of costs for certification of record or file.] The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of seventy cents per page for the original and twenty-five cents per page for each carbon copy thereof representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action.

Sec. 19. [Order of revocation or suspension as prima facie evidence.] An order of revocation or suspension, or a certified copy thereof

over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:

- 1. such signature is the genuine signature of the Director;
- 2. that such Director is duly appointed and qualified;
- 3. that the Committee and the members thereof are qualified to act.
- Sec. 20. Repealed by act approved Aug. 24, 1965.
- Sec. 21. [Nurses licensed in other states or countries—Grant of certificate.] Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:
- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment; or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and

- 3. if he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within 90 days after becoming eligible to do so or if not eligible for naturalization under the Naturalization Act, if he or she has taken and filed with the Department the oath set out in Section 8 of this Act. As amended by act approved Aug. 2, 1965.
- Sec. 22. [Fees.] 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$25, and as a licensed practical nurse is \$15. No further fee shall be charged for issuing the certificate of registration.
- 2. The fee to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse is \$5.
- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jurisdiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$25.00; and as a licensed practical nurse \$15.00.
- 5. The fee to be paid for the reinstatement of a certificate of registration which has expired not more than 5 years is \$5 plus all lapsed renewal fees.

- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than 5 years is: for a registered professional nurse \$30; and for a licensed practical nurse \$30.
- 7. The fee to be paid for an examination to determine preliminary education is \$5. As amended by act approved July 15, 1963.

Sec. 23. [Offenses—Punishment.] No person shall:

- 1. Practice professional nursing without a valid certificate as a registered professional nurse;
- 2. Practice practical nursing without a valid certificate as a licensed practical nurse; or practice practical nursing other than under the direction of a licensed physician, licensed dentist, or registered professional nurse;
- 3. Practice nursing under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;
- 4. Practice professional nursing or practical nursing during the time his license is suspended or revoked or on inactive status;
- 5. Use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that he is a registered professional nurse, including the titles or initials, "Registered Nurse", "Professional Nurse", "Registered Professional Nurse", "Certified Nurse", "Trained Nurse", "Graduate Nurse", "P.N.", or "R.P.N." or similar titles or initials with intention of indicating practice without a valid certificate as a registered professional nurse;
- 6. Use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that he is a licensed practical nurse, including the titles or initials "Practical Nurse",

"Licensed Practical Nurse", "P.N." or "L.P.N.", or similar titles or initials, with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed practical nurse under this Act;

- 7. Obtain or furnish a certificate, by or for money or any other thing of value other than the fees required by Section 22 or by any fraudulent representation or act;
- 8. Make any wilfully false oath or affirmation required by this Act;
- Conduct a school of professional or practical nursing unless the school has been approved by the Department under the provisions of this Act:
- 10. Represent that any school or course is approved or accredited as a school or course for the training of registered professional nurses or licensed practical nurses unless such school or course is approved by the Department under the provisions of this Act;
- 11. Attempt or offer to do any of the acts enumerated in this Section, or aid, abet, assist in the doing of any such acts or in the attempt or offer to do any of such acts;
- 12. Otherwise violate any provision of this Act.

Any person, including a firm, association or corporation who violates any provision of this Section shall be fined not less than \$50 nor more than \$1,000 or imprisoned in a penal institution other than a penitentiary for not more than one year, or both, for each offense. As amended by act approved Sept. 7, 1967.

Sec. 23.1. Repealed by act approved Aug. 10, 1965.

Sec. 23.2 [Resident schools of practical nurses—Discontinuance of registration and regulation under act concerning vocational

schools.] Until December 31, 1968 but not thereafter every resident school of practical nursing which shall have been in continuous operation by conducting resident classroom instruction from February 1, 1962 until the effective date of this amendatory Act of 1965 under a certificate of registration issued by the Department under "An Act defining and providing for the registration and regulation of vocational schools and classes and the registration of solicitors of such schools, conferring powers, and imposing duties on the Department of Registration and Education, and prescribing penalties, and to repeal an Act herein named", as heretofore and hereafter amended, shall continue to be registered and regulated under and in compliance with the terms of that Act. Added by act approved Aug. 10. 1965.

Sec. 23.3. [Persons completing course under preceding section-Qualification for practical nurse license.] Until December 31, 1968, a person who has completed the required program in practical nursing under the provisions of Section 23.2 of this Act, as amended, and in addition, after the completion of such required program, has had not less than 18 months of substantially full time clinical experience in any licensed hospital and/or licensed nursing home in the State of Illinois, which clinical experience shall be verified by the affidavits of one physician licensed in Illinois and one registered nurse licensed in Illinois, who have personal knowledge of the applicant's qualifications, and has passed an examination conducted by the Department under this Act shall be qualified to receive a certificate as a licensed practical nurse. Added by act approved Aug. 10, 1965.

Sec. 23.4. [Correspondence schools for practical nurses—Discontinuance.] No correspond-

ence school offering courses in practical nursing shall be licensed or have an existing license renewal after the effective date of this amendatory Act of 1965. Nothing herein contained shall prohibit any correspondence school from completing service to those students who have enrolled as a result of advertising placed prior to the expiration date of the school's existing license. Added by act approved Aug. 10, 1965.

Sec. 24. [Practice without certificate clared public nuisance-Injunction.] The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby declared to be inimical to the public welfare and to constitute a public The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois. apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked or expired, from practicing professional nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing professional nursing without having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. [Partial invalidity.] If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.







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STATE OF ILLINOIS RICHARD B. OGILVIE, Governor



UNIVERSITY OF ILLINOIS

The Illinois Nursing Act

Ill. Rev. Stat. 1967, Ch. 91 35.32 to 35.56

DEPARTMENT OF REGISTRATION AND EDUCATION

SPRINGFIELD, ILLINOIS 62706 WILLIAM H. ROBINSON, Director

1971

(Printed by Authority of the State of Illinois)

INDEX

Sec.

1. Short title

- Necessity of license-acts not prohibited. 2.
- 2.a Emergency care—exemption from civil liability.
- 3 Practical nurses—necessity of license—exceptions.

4. Definitions

5. Powers and duties of Department.

6. Written action of majority required.

7. Appointments by Director-Committee-Council-Nursing Education Coordinator and assistants-Advisory Council.

Registered professional nurse—qualifica-8.

tions.

- Licensed practical nurse—qualifications. 9.
- 9.1. Practicing practical nurses—conditions for receipt of certificate.
- 9.2. Certificate holders-effect of 1965 act.

10 Application for certificate.

11. Examinations.

12. Certificate of registration.

13. Annual renewal of certificate—expiration.

14. Reinstatement or restoration of certificate —inactive status.

- 15. Refusal, suspension or revocation of certificate-grounds-persons in need of mental treatment.
- 15.1. Actions based on charges of unethical or unprofessional conduct-counsel and witnesses.

Manner of revocation or suspension. 16.

Judicial review of administrative deci-17. sions.

Deposit of costs for certification of rec-18.

ord or file.

19. Order of revocation or suspension as prima facie evidence.

Repealed.

21. Nurses licensed in other states or countries—grant of certificate.

22. Fees.

23. Offenses—punishment.

23.1. Repealed.

- 23.2. Resident schools of practical nurses—discontinuance of registration and regulation under act concerning vocational schools.
 - 23.3. Persons completing course under preceding section—qualification for practical nurse license.

23.4. Correspondence schools for practical

nurses—discontinuance.

24. Practice without certificate declared public nuisance—injunction.

25. Partial invalidity.

NURSING

AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an act therein named. Approved June 14, 1951.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- Sec. 1. [Short title.] This Act may be known and cited as "The Illinois Nursing Act."
- Sec. 2. [Necessity of license—Acts not prohibited.] For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois shall submit evidence that he is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

- 1. The practice of nursing in Federal employment in the discharge of the employee's duties by a person who (a) is employed by the United States government or any bureau, division or agency thereof and (b) is a legally qualified and licensed nurse of another state or territory;
- 2. The practice of nursing which is included in their program of study by students enrolled in schools of nursing approved by the Department;
- 3. The furnishing of nursing assistance in an emergency;

4. The incidental care of the sick by members of the family, domestic servants or house-keepers, or care of the sick where treatment is

by prayer or spiritual means;

5. The practice of professional nursing by one who has applied in writing to the Department, in form and substance satisfactory to the Department, for a certificate as a registered professional nurse and has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate, until: (a) the expiration of 6 months after the filing of such written application, or (b) the decision of the Department that the applicant has failed to pass an examination within 6 months or failed without an approved excuse to take an examination conducted within 6 months by the Department, or (c) the withdrawal of the application;

6. The practice of professional nursing by one who is a registered professional nurse under the laws of a foreign jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a certificate of registration as a registered professional nurse and who is qualified to receive such certificate under Section 21, until: (a) the expiration of 6 months after the filing of such written application, or (b) the withdrawal of such application by the Department. As amended by act approved July 2, 1965.

Sec. 2.a. [Emergency care—Exemption from civil liability.] Any person licensed pursuant to this Act or any person licensed as a professional nurse in any other state or territory of the United States who in good faith provides emergency care without fee to a victim of an accident at the scene of an accident or in case of

nuclear attack shall not, as a result of his acts or omissions, except for wilful or wanton misconduct on the part of such person, in providing such care, be liable for civil damages. As amended by act approved September 11, 1969.

Sec. 3. [Practical nurses—Necessity of license—Exceptions.] No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not apply to persons employed as nursing aids, attendants, orderlies and other auxiliary workers in private homes, nursing homes, nurseries, hospitals or other institutions. As amended by act approved Sept. 7, 1967.

Sec. 4 [Definitions.] When used in this Act: 1. "Professional nursing" means the performance for compensation of any nursing act (a) in the observation, care and counsel of the ill, injured or infirm; or (b) in the maintenance of health or prevention of illness of others; or (c) the administration of medications and treatments as prescribed by a licensed physician or dentist; or (d) any act in the supervision or teaching of nursing; any of which requires substantial specialized judgment and skill and the proper performance of which is based on knowledge and application of the principles of biological, physical and social science acquired by means of a completed course in an approved school of professional nursing. The foregoing shall not be deemed to include acts of medical diagnosis or prescription of therapeutic or corrective measures.

2. "Registered Nurse" or "Registered Professional Nurse" means a person who is registered under this Act and practices professional nursing as defined in paragraph 1 of

this Section. Only a registered nurse registered under this Act is entitled to use the titles "registered nurse" and "registered professional nurse" and the abbreviation, "R.N.".

3. "Practical nursing" means the performance for compensation of acts in the care of the ill, injured, or infirm, selected by and performed under the direction of a registered professional nurse or a licensed physician or a licensed dentist, not requiring the substantial skill, judgment and knowledge required in professional nursing.

4. "Practical nurse" and "licensed practical nurse" mean a person who practices practical nursing as defined in paragraph 3 of this Section. Only a practical nurse licensed under this Act is entitled to use the title "licensed practical nurse" and the abbreviation "L.P.N.".

5. "Department" means the Department of Registration and Education.

6. "Director" means the Director of Registration and Education.

7. "Assistant Director" means the Assistant Director of Registration and Education.

8. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.

9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.

10. "Nursing Education Coordinator" means the registered professional nurse appointed by the Director to carry out the administrative policies of the Department.

11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

- 12. "Certificate" is the equivalent of "license", and "registered" is the equivalent of "licensed".
- 13. "Approved school of professional nursing" and "approved school of practical nursing" are schools of professional or practical nursing, respectively, approved by the Department under the provisions of this Act. As amended by act approved July 2, 1965.
- Sec. 5. [Powers and duties of the Department.] Subject to the provisions of this Act, the Department shall:
- 1. Prescribe rules defining what constitutes a school of professional nursing and what constitutes a school of practical nursing.
- 2. Adopt rules providing for the establishment and maintenance of a uniform and reasonable standard of educational programs to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the standing of such schools by reference to compliance with such rules; and provide for surveys of all such schools and their programs at such times as deemed necessary.
- 3. Prepare and maintain a list of approved schools of professional nursing and schools of practical nursing in this State, whose graduates, if they have the other necessary qualifications provided in this Act, shall be eligible to apply for a license to practice nursing in this State.
- 4. Establish and maintain a minimum standard of preliminary education subject to Section 8 and Section 9 to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.

5. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed practical nurses respectively.

6. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates as registered professional nurses and for certificates as licensed practical nurses, and pass upon the qualifications of applicants for

licensure by endorsement.

7. Conduct hearings on proceedings to revoke, suspend or refuse renewal of licenses or certificates of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke, suspend or refuse to renew such licenses or certificates.

8. Formulate rules required for the administration of this Act. As amended by act ap-

proved Aug. 10, 1965.

Sec 6. [Written action of majority required.] None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. [Appointments by Director—Committee—Council—Nursing Education Coordinator and Assistants—Advisory Council.] The Director shall

1. Appoint the Committee, which shall be composed of 7 registered professional nurses, having at least a Master's degree or its academic equivalent. Five members shall have had a minimum of 5 years' experience as a registered professional nurse in an approved school of professional nursing and be actively engaged in professional nursing education at the time of appointment. Two members shall

have had a minimum of 5 years' experience in nursing education of which at least 2 years' experience shall have been in an approved school of practical nursing, and the remainder, if any, in an approved school of professional nursing and be actively engaged at the time of appointment in nursing education in an approved school of practical nursing. The persons serving as members on the effective date of this amendatory Act of 1965 shall serve until the end of the term for which they were appointed and subsequent members shall be appointed for a term of 3 years, except that the 2 members first appointed to fill the memberships authorized by this amendatory Act of 1965 shall be appointed for terms of one year, and the next 2 members shall be appointed for terms of 2 years. No member shall be eligible for appointment to more than 2 consecutive terms and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations. The Committee shall receive actual and necessary expenses incurred in performance of their duties, carry out functions delegated to it by the Department, and

- (a) Meet annually in the month of January and elect from its members a chairman and vice-chairman, and hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the Committee shall constitute a quorum at any meeting.
- (b) Adopt and revise such rules and regulations, not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this Act;

- (c) Provide for such studies pertaining to nursing as the Director may authorize;
 - (d) Keep a record of all its proceedings; and
 - (e) Make an annual report to the Director.
- 2. Obtain, pursuant to the provisions of the "Personnel Code", approved July 18, 1955, as heretofore and hereafter amended, a Nursing Education Coordinator and assistants. Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nursing, and each shall be actively engaged in nursing education at the time the appointment is made. The Nursing Education Coordinator shall hold at least a Master's degree from an approved college or university; have at least 10 years' experience since graduation, of which at least 6 years' experience has been in progressively responsible positions in nursing education. Each assistant shall hold at least a master's degree from an approved college or university; and have at least 6 years' experience since graduation, of which at least 3 years' experience has been in progressively responsible positions in nursing education. The Nursing assistants shall Education Coordinator and perform such administrative functions as may be delegated to them by the Director.
- 3. Appoint an Advisory Council of 8 members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. Persons serving as members on the effective date of this amendatory Act of 1965 shall serve until the end of the term for which they were appointed and subsequent members shall be appointed for a term of 3 years, except that the member first appointed to fill the membership authorized by this amendatory Act of 1965 shall be appointed

for a term of one year and the next 2 members shall be appointed for terms of 2 years. No member shall be eligible for reappointment for more than 2 terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general education, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, membership on the governing board of a university or college with an approved school of nursing, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties. As amended by act approved July 2, 1965.

- Sec. 8. [Registered professional nurse—Qualifications.] A person shall be qualified to receive a certificate as a registered professional nurse if he:
 - 1. is at least 18 years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or has made a declaration of intention to become a citizen and files a petition for naturalization within 90 days after becoming eligible to do so or, if not eligible for naturalization under the Naturalization Act, has taken and filed with the Department an oath that, while in the United States, he will remain loyal to the Constitution of the United States and not affiliate with any organization which advocates the overthrow of the government of the United States by force or violence. This loyalty oath shall expire after a period of 5

years and may not be renewed;

3. has graduated from an approved high school or has demonstrated equivalent competency as determined by an examination approved by the Department:

4. has completed the required approved professional nursing program of not less than two years in an approved school and has graduated from the school: and

- 5. has passed an examination conducted by the Department to determine his fitness to receive a certificate as a registered professional nurse. As amended by act approved Sept. 7, 1967. In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration.
- Sec. 9. [Licensed practical nurse—Qualifications.] A person shall be qualified to receive a certificate as a licensed practical nurse if he:
 - is at least 18 years of age;
- is of good moral character and temperate habits, a citizen of the United States or has made a declaration of intention to become a citizen and files a petition for naturalization within 90 days after becoming eligible to so or, if not eligible for naturalization under the Naturalization Act, has taken and filed with the Department the oath required by Section 8 of this Act;
- has completed a 2 year course of study in an approved high school or has demonstrated equivalent competency as determined by an examination approved by the Department:
- 4. has completed the educational program prescribed by the Department in an approved

school of practical nursing; and

- 5. has passed an examination conducted by the Department to determine his fitness to receive a certificate as a licensed practical nurse. As amended by act approved Sept. 7, 1967. In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration.
- Sec. 9.1. [Practicing practical nurses—Conditions for receipt of certificate.] A person who has practiced practical nursing in this State at least 3 years within the 5 year period immediately preceding the effective date of this Act shall be qualified to receive a certificate as a licensed practical nurse if he:

1. files with the Department an application between January 1, 1966 and July 1, 1967, satisfactory in form and substance to the Department; and

- 2. has the endorsement of one physician licensed in Illinois, and one registered nurse licensed in Illinois or exempt from licensure under paragraph 1 of Section 2, who have personal knowledge of the applicant's qualifications, and 2 persons who have employed the applicant; and
- 3. passes an examination given by the Department. Added by act approved Aug. 10, 1965.
- Sec. 9.2. [Certificate holders—Effect of 1965 act.] A certificate to practice as a practical nurse issued by the Department and valid on the effective date of this amendatory Act of 1965 shall not be rendered invalid by the enactment of this amendatory Act of 1965. Added by act approved Aug. 10, 1965.

desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

Sec. 11. [Examinations.] The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.

If an applicant neglects, fails or refuses to take an examination for registration under this Act within 3 years after filing his application, the fee paid by the applicant shall be forfeited to the Department and the application denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee. As amended by act approved May 15, 1969.

Sec. 12 [Certificate of registration.] The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to

restoration within two years after honorable termination of military service with the United States when it has expired during such service, authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. [Annual renewal of certificate—Expiration.] Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1 in any year, shall expire on that date.

Sec. 14. [Reinstatement or restoration of certificate—Inactive status.] A registered professional nurse or licensed practical nurse whose certificate has expired for not more than 5 years may have it reinstated upon payment of all lapsed renewal fees and the required reinstatement fee.

Any registered professional nurse or licensed practical nurse whose certificate has expired for more than 5 years may have it restored only by paying the required fee, by providing the Department a satisfactory explanation for such failure to renew and, in the discretion of the Department, by passing a satisfactory examination conducted by the Department to determine his fitness to have it restored.

Any registered professional nurse or licensed practical nurse whose certificate has expired while he was engaged in the military service of the United States may have it restored within 2 years following honorable discharge by paying only the current renewal fee.

Any nurse who notifies the Department in writing that he elects to be on inactive status, shall, subject to the rules of the Department, be excused from payment of renewal fees until he notifies the Department in writing of his desire to resume active status and remits the renewal fee for the current annual period. During the period of inactive status, such nurse shall, for the purpose of practicing professional or practical nursing in this State, be deemed to be without a certificate and may not practice professional or practical nursing within Illinois. As amended by act approved July 2, 1965.

- Sec. 15. [Refusal, suspension or revocation of certificate—Grounds—Persons in need of mental treatment.] The Department may refuse to issue, may refuse to renew, may suspend or may revoke any certificate as a registered professional nurse or as a licensed practical nurse or otherwise discipline a holder of a certificate upon proof that the person:
- 1. Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;
 - 2. Is guilty of gross immorality;
- 3. Has been convicted in this or another State of any crime which is a felony under the laws of this State or has been convicted of a felony in a federal court; if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;
- 4. Is unfit or incompetent by reason of gross negligence;
- 5. Is habitually intemperate or intoxicated or is addicted to the use of habit-forming

drugs;

6. Engages in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public:

7. Has failed to file a petition for naturalization within 90 days after becoming eligible to do so; or, if a petition has been filed, to become a citizen of the United States under the Naturalization Act within 90 days thereafter or, if not eligible for naturalization under the Naturalization Act, failure to take and file with the Department the oath set out in Section 8 of this Act: or

8. Has wilfully or repeatedly violated any of the provisions of this Act.

The entry of a decree by any circuit court establishing that any person holding a certificate under this Act is a person in need of mental treatment operates as a suspension of his certificate. That person may resume his practice only upon a finding by the Committee that he has been determined to be recovered from mental illness by the court and upon the Committee's recommendation to the Director that he be permitted to resume his practice. As amended by act approved May 5, 1967

Sec. 15.1. [Actions based on charges of unethical or unprofessional conduct—Counsel and witnesses.] No action of a disciplinary nature which is predicated on charges alleging unethical or unprofessional conduct of a person who is a registered professional nurse or a licensed practical nurse and which can be reasonably expected to affect adversely that person's maintenance of his present, or his securing of future, employment as such a nurse may be taken by the Department, by any association or by any person unless the person against

whom such charges are made is afforded the right to be represented by legal counsel of his choosing and to present any witness, whether an attorney or otherwise to testify on matters relevant to such charges. Added by act approved Aug. 10, 1965.

Sec. 16. [Manner of revocation or suspension.] Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.

Sec. 16.1 The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefore of one dollar per page for each original transcript and fifty cents per page for each carbon copy thereof ordered with the original: Provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be fifty cents per page for each carbon copy.

Sec. 17. [Judicial review of administrative decisions.] All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8,

1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

- Sec. 18. [Deposit of costs for certification of record or file.] The Department shall not be required to certify any record to the Court or file any answer in Court or otherwise appear in any Court in a Judicial review proceeding, unless there is filed in the Court with the Complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record which costs shall be computed at the rate of 20 cents per page of such record. Exhibit shall be certified without cost. Failure on the part of the plaintiff to file such receipt in Court shall be grounds for dismissal of the action.
- Sec. 19. [Order of revocation or suspension as prima facie evidence.] An order of revocation or suspension, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:
- 1. such signature is the genuine signature of the Director:
- 2. that such Director is duly appointed and qualified;
- 3. that the Committee and the members thereof are qualified to act.
- Sec. 20. Repealed by act approved Aug. 24, 1965.
- Sec. 21. [Nurses licensed in other states or countries—Grant of certificate.] Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign

country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:

1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment; or

2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and

3. if he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within 90 days after becoming eligible to do so or if not eligible for naturalization under the Naturalization Act, if he or she has taken and filed with the Department the oath set out in Section 8 of this Act. As amended by act approved Aug. 2, 1965.

Sec. 22. [Fees.] 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$25, and as a licensed practical nurse is \$15. No further fee shall be charged for issuing the certificate of registration.

2. The fee is to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse

is \$5.

- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jursidcition.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$25.00; and as a licensed practical nurse \$15.
- 5. The fee to be paid for the reinstatement of a certificate of registration which has expired not more than 5 years is \$5 plus all lapsed renewal fees.
- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than 5 years is: for a registered professional nurse \$30; and for a licensed practical nurse \$30.
- 7. The fee to be paid for an examination to determine preliminary education is \$5. As amended by act approved July 15, 1963.
- Sec. 23. [Offenses—Punishment.] No person shall:
- Practice professional nursing without a valid certificate as a registered professional nurse:
- 2. Practice practical nursing without a valid certificate as a licensed practical nurse; or practice practical nursing other than under the direction of a licensed physician, licensed dentist, or registered professional nurse;

3. Practice nursing under cover of any diploma, license, or record illegally or fraudu-lently obtained or signed or issued unlawfully or under fraudulent representation:

4. Practice professional nursing or practical nursing during the time his license is suspended or revoked or on inactive status:

5. Use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that he is a registered professional nurse, including the titles or initials, tered Nurse', "Professional Nurse", tered Professional Nurse" "Certified Nurse", "Trained Nurse", "Graduate Nurse", "P.N.", "R.N.", or "R.P.N." or similar titles or initials with intention of indicating practice without a valid certificate as a registered professional nurse:

6. Use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that he is a licensed practical nurse, including the titles or initials "Practical Nurse", "Licensed Practical Nurse", "P.N." "L.P.N.", or similar titles or initials, with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed practical nurse under this Act;

7. Obtain or furnish a certificate, by or for money or any other thing of value other than the fees required by Section 22 or by any fraudulent representation or act;

8. Make any wilfully false oath or affirma-

tion required by this Act:

9. Conduct a school of professional or practical nursing unless the school has been approved by the Department under the provisions of this Act:

10. Represent that any school or course is approved or accredited as a school or course for the training of registered professional nurses or licensed practical nurses unless such school or course is approved by the Department under the provisions of this Act;

11. Attempt or offer to do any of the acts enumerated in this Section, or aid, abet, assist in the doing of any such acts or in the attempt or offer to do any of such acts;

12. Otherwise violate any provision of this Act.

Any person, including a firm, association or corporation who violates any provision of this Section shall be fined not less than \$50 nor more than \$1,000 or imprisoned in a penal institution other than a penitentiary for not more than one year, or both, for each offense. As amended by act approved Sept. 7, 1967.

Sec. 23.1. Repealed by act approved Aug. 10, 1965.

Sec. 23.2. [Resident schools of practical nurses—Discontinuance of registration and regulation under act concerning vocational schools.] Until December 31, 1968 but not thereafter every resident school of practical nursing which shall have been in continuous operation by conducting resident classroom instruction from February 1, 1962 until the effective date of this amendatory Act of 1965 under a certificate of registration issued by the Department under "An Act defining and providing for the registration and regulation of vocational schools and classes and the registration solicitors of such schools, conferring powers, and imposing duties on the Department of Registration and Education, and prescribing penalties, and to repeal an Act herein named" as heretofore and hereafter amended, shall continue to be registered and regulated under and in compliance with the terms of that Act. Added by act approved Aug. 10, 1965.

- Sec. 23.3. [Persons completing course under preceding section—Qualification for practical nurse license.] Until December 31, 1968, a person who has completed the required program in practical nursing under the provisions of Section 23.2 of this Act, as amended, and in addition, after the completion of such required program, has had not less than 18 months of substantially full time clinical experience in any licensed hospital and/ or licensed nursing home in the State of Illinois. which clinical experience shall be verified by the affidavits of one physician licensed in Illinois and one registered nurse licensed in Illinois, who have personal knowledge of the applicant's qualifications, and has passed an examination conducted by the Department under this Act shall be qualified to receive a certificate as a licensed practical nurse. Added by act approved Aug. 10. 1965
- Sec. 23.4. [Correspondence schools for practical nurses—Discontinuance.] No correspondence school offering courses in practical nursing shall be licensed or have an existing license renewal after the effective date of this amendatory Act of 1965. Nothing herein contained shall prohibit any correspondence school from completing service to those students who have enrolled as a result of advertising placed prior to the expiration date of the school's existing license. Added by act approved Aug. 10, 1965.
- Sec. 24. [Practice without certificate declared public nuisance—Injunction.] The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Edu-

cation may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked or expired, from practicing professional nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, is practicing professional nursing having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. [Partial invalidity.] If any portion of

this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Land of Lincoln



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STATE OF ILLINOIS



The Illinois Nursing Act

Ill. Rev. Stat. 1967, Ch. 91 35.32 to 35.56

DEPARTMENT OF REGISTRATION AND EDUCATION RONALD E. STACKLER

SPRINGFIELD, ILLINOIS 62786

1974

(Printed by Authority of the State of Almors) OF THE

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INDEX

Sec.

1. Short title.

- Necessity of license—acts not prohibited.
- Emergency care—exemption from civil liability.
- Practical nurses—necessity of license—exceptions.

Definitions.

- Powers and duties of Department.
- 6. Written action of majority required.
- Appointments by Director—Committee— Council—Nursing Education Coordinator and assistants—Advisory Council.

8. Registered professional nurse-qualifica-

tions.

- Licensed practical nurse—qualifications.
- 9.1. Practicing practical nurses—conditions for receipt of certificate.
- 9.2. Certificate holders-effect of 1965 act.

10. Application for certificate.

11. Examinations.

12. Certificate of registration.

- 13. Annual renewal of certificate—expiration.
- Reinstatement or restoration of certificate
 —inactive status.
- Refusal, suspension or revocation of certificate—grounds—persons in need of mental treatment.
- Actions based on charges of unethical or unprofessional conduct—counsel and witnesses.

Manner of revocation or suspension.

- Judicial review of administrative decisions.
- Deposit of costs for certification of record or file.
- Order of revocation or suspension as prima facie evidence.

Repealed. 20.

21. Nurses licensed in other states or countries—grant of certificate.

22 Fees

Offenses—punishment. 23

23.1. Repealed.

- Resident schools of practical nurses— 23.2.discontinuance of registration and regulation under act concerning vocational schools
- 23.3. Persons completing course under preceding section—qualification for practical nurse license.

Correspondence schools for practical nurses—discontinuance.

declared 24. Practice without certificate public nuisance—injunction.

25. Partial invalidity.

Public Policy. 26.

NURSING

AN ACT in relation to the regulation of the practice of nursing, to make an appropriation in connection therewith, and to repeal an act therein named. Approved June 14, 1951.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- Sec. 1. [Short title.] This Act may be known and cited as "The Illinois Nursing Act."
- Sec. 2. [Necessity of license—Acts not prohibited.] For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional nursing in Illinois shall submit evidence that he is qualified so to practice, and shall be licensed as hereinafter provided. No person shall practice or offer to practice professional nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional nursing unless such person has been licensed and registered under the provisions of this Act.

This Act does not prohibit:

- 1. The practice of nursing in Federal employment in the discharge of the employee's duties by a person who (a) is employed by the United States government or any bureau, division or agency thereof and (b) is a legally qualified and licensed nurse of another state or territory:
- 2. The practice of nursing which is included in their program of study by students enrolled in schools of nursing approved by the Department:
- 3. The furnishing of nursing assistance in an emergency;

4. The incidental care of the sick by members of the family, domestic servants or house-keepers, or care of the sick where treatment is by prayer or spiritual means;

5. The practice of professional nursing by one who has applied in writing to the Department, in form and substance satisfactory to the Department, for a certificate as a registered professional nurse and has complied with all the provisions under Section 8, except the passing of an examination to be eligible to receive such certificate, until: (a) the expiration of 6 months after the filing of such written application, or (b) the decision of the Department that the applicant has failed to pass an examination within 6 months or failed without an approved excuse to take an examination conducted within 6 months by the Department, or (c) the withdrawal of the application;

6. The practice of professional nursing by one who is a registered professional nurse under the laws of a foreign jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a certificate of registration as a registered professional nurse and who is qualified to receive such certificate under Section 21, until: (a) the expiration of 6 months after the filing of such written application, or (b) the withdrawal of such application, or (c) the denial of such application by the Department. As amended by act approved July 2, 1965.

Sec. 2.a. [Emergency care—Exemption from civil liability.] Any person licensed pursuant to this Act or any person licensed as a professional nurse in any other state or territory of the United States who in good faith provides emergency care without fee to a victim of an accident at the scene of an accident or in case of

nuclear attack shall not, as a result of his acts or omissions, except for wilful or wanton misconduct on the part of such person, in providing such care, be liable for civil damages. As amended by act approved September 11, 1969.

Sec. 3. [Practical nurses—Necessity of license—Exceptions.] No person shall practice or attempt to practice nursing, as a licensed practical nurse, without a certificate as a licensed practical nurse issued by the Department. This Act does not apply to persons employed as nursing aids, attendants, orderlies and other auxiliary workers in private homes, nursing homes, nurseries, hospitals or other institutions. As amended by act approved Sept. 7, 1967.

Sec. 4 [Definitions.] When used in this Act: 1. "Professional nursing" means the performance for compensation of any nursing act (a) in the observation, care and counsel of the ill, injured or infirm; or (b) in the maintenance of health or prevention of illness of others; or (c) the administration of medications and treatments as prescribed by a licensed physician or dentist; or (d) any act in the supervision or teaching of nursing; any of which requires substantial specialized judgment and skill and the proper performance of which is based on knowledge and application of the principles of biological, physical and social science acquired by means of a completed course in an approved school of professional nursing. The foregoing shall not be deemed to include acts of medical diagnosis or prescription of therapeutic or corrective measures.

2. "Registered Nurse" or "Registered Professional Nurse" means a person who is registered under this Act and practices professional nursing as defined in paragraph 1 of this Section. Only a registered nurse registered under this Act is entitled to use the titles "registered nurse" and "registered professional nurse" and the abbreviation, "R.N.".

- 3. "Practical nursing" means the performance for compensation of acts in the care of the ill, injured, or infirm, selected by and performed under the direction of a registered professional nurse or a licensed physician or a licensed dentist, not requiring the substantial skill, judgment and knowledge required in professional nursing.
- 4. "Practical nurse" and "licensed practical nurse" mean a person who practices practical nursing as defined in paragraph 3 of this Section. Only a practical nurse licensed under this Act is entitled to use the title "licensed practical nurse" and the abbreviation "L.P.N.".
- 5. "Department" means the Department of Registration and Education.
- 6. "Director" means the Director of Registration and Education.
- 7. "Assistant Director" means the Assistant Director of Registration and Education.
- 8. "Superintendent" means the Superintendent of Registration of the Department of Registration and Education.
- 9. "Committee" means the Committee of Nurse Examiners of registered professional nurses appointed by the Director.
- 10. "Nursing Education Coordinator" means the registered professional nurse appointed by the Director to carry out the administrative policies of the Department.
- 11. "Assistant Nursing Education Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

- 12. "Certificate" is the equivalent of "license", and "registered" is the equivalent of "licensed".
- 13. "Approved school of professional nursing" and "approved school of practical nursing" are schools of professional or practical nursing, respectively, approved by the Department under the provisions of this Act. As amended by act approved July 2, 1965.
- Sec. 5. [Powers and duties of the Department.] Subject to the provisions of this Act, the Department shall:
- 1. Prescribe rules defining what constitutes a school of professional nursing and what constitutes a school of practical nursing.
- 2. Adopt rules providing for the establishment and maintenance of a uniform and reasonable standard of educational programs to be observed by all schools of professional nursing and all schools of practical nursing which are approved by the Department; and determine the standing of such schools by reference to compliance with such rules; and provide for surveys of all such schools and their programs at such times as deemed necessary.
- 3. Prepare and maintain a list of approved schools of professional nursing and schools of practical nursing in this State, whose graduates, if they have the other necessary qualifications provided in this Act, shall be eligible to apply for a license to practice nursing in this State.
- 4. Establish and maintain a minimum standard of preliminary education subject to Section 8 and Section 9 to be required for admission to all schools of professional nursing and all schools of practical nursing and require satisfactory proof of the enforcement of such standards by such schools.

5. Prescribe rules for a method of examination of candidates for registered professional nurses and licensed practical nurses and for issuance of certificates authorizing candidates upon passing an examination to practice as registered professional nurses and licensed practical nurses respectively.

6. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates as registered professional nurses and for certificates as licensed practical nurses, and pass upon the qualifications of applicants for

licensure by endorsement.

7. Conduct hearings on proceedings to revoke, suspend or refuse renewal of licenses or certificates of persons who are registered under this Act as registered professional nurses or licensed practical nurses and revoke, suspend or refuse to renew such licenses or certificates.

8. Formulate rules required for the administration of this Act. As amended by act ap-

proved Aug. 10, 1965.

Sec 6. [Written action of majority required.] None of the functions, powers or duties enumerated in Section 5 shall be exercised by the Department except upon the action and report in writing of a majority of the Committee.

Sec. 7. [Appointments by Director—Committee—Council—Nursing Education Coordinator and Assistants—Advisory Council.] The Director shall:

1. Appoint the Committee, which shall be composed of 7 registered professional nurses, having at least a Master's degree of its academic equivalent and 2 licensed practical nurses. Five members shall have had a minimum of 5 years' experience as a registered professional nurse in an approved school of professional nursing and shall include a representative of each of the 4 nursing education programs preparing students for licensure under the Act and, in addition, each shall be actively engaged in nursing education at the time of appointment. One member shall have had a minimum of 5 years experience in nursing service and be actively engaged in nursing service administration at the time of appointment. Another member shall have

had a minimum of 5 years experience in clinical nursing practice and be engaged in said practice at the time of appointment. The 2 licensed practical nurses shall have had a minimum of 5 years experience as licensed practical nurses and be actively engaged in licensed practical nursing at the time of appointment. The persons serving as members on the effective date of this amendatory Act of 1965 shall serve until the end of the term for which they were appointed and subsequent members shall be appointed for a term of 3 years, except that the 2 members first appointed to fill the membership authorized by this amendatory Act of 1965 shall be appointed for terms of one year, and the next 2 members shall be appointed for terms of 2 years. No member shall be eligible for appointment to more than 2 consecutive terms and any appointment to fill a vacancy shall be for the unexpired portion of the term. In making Committee appointments, the Director shall give consideration to recommendations submitted by the professional nursing organizations and licensed practical nursing organizations for the appointment of the 2 licensed practical nurses. The Committee shall receive actual and necessary expenses incurred in performance of their duties, carry out functions delegated to it by the Department, and

- (a) Meet annually in the month of January and elect from its members a chairman and vice-chairman, and hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the Committee shall constitute a quorum at any meeting.
- (b) Adopt and revise such rules and regulations, not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this Act;

- (c) Provide for such studies pertaining to nursing as the Director may authorize;
 - (d) Keep a record of all its proceedings; and
 - (e) Make an annual report to the Director.
- 2. Obtain, pursuant to the provisions of the "Personnel Code", approved July 18, 1955, as heretofore and hereafter amended, a Nursing Education Coordinator and assistants. Nursing Education Coordinator and assistants shall be professional nurses registered in this State and graduated from approved schools of nursing, and each shall be actively engaged in nursing education at the time the appointment is made. The Nursing Education Coordinator shall hold at least a Master's degree from an approved college or university; have at least 10 years' experience since graduation, of which at least 6 years' experience has been in progressively responsible positions in nursing education. Each assistant shall hold at least a master's degree from an approved college or university; and have at least 6 years' experience since graduation, of which at least 3 years' experience has been in progressively responsible positions in nursing education. The Nursing Education Coordinator and assistants perform such administrative functions as may be delegated to them by the Director.
- 3. Appoint an Advisory Council of 8 members to consult with the Committee and the Department concerning administration of duties and formulation of policies under this Act. Persons serving as members on the effective date of this amendatory Act of 1965 shall serve until the end of the term for which they were appointed and subsequent members shall be appointed for a term of 3 years, except that the member first appointed to fill the membership authorized by this amendatory Act of 1965 shall be appointed

for a term of one year and the next 2 members shall be appointed for terms of 2 years. No member shall be eligible for reappointment for more than 2 terms, and any appointment to fill a vacancy shall be for the unexpired portion of the term. In designating the members of the Advisory Council, the Director shall appoint persons from the general public, general education, and the following groups associated with nursing education: the general public with membership on the governing board of a hospital, membership on the governing board of a university or college with an approved school of nursing, hospital administration, medicine, professional nursing, and practical nursing. The Director shall give consideration to nominations submitted by organizations of the respective professions. The members shall meet at least once each year and shall receive actual and necessary expenses incurred in performance of their duties. As amended by Act approved September 10, 1973, to take effect January 1, 1974.

- Sec. 8. [Registered professional nurse—Qualifications.] A person shall be qualified to receive a certificate as a registered professional nurse if he:
 - 1. is at least 18 years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or has made a declaration of intention to become a citizen and files a petition for naturalization within 90 days after becoming eligible to do so or, if not eligible for naturalization under the Naturalization Act, has taken and filed with the Department an oath that, while in the United States, he will remain loyal to the Constitution of the United States and not affiliate with any organization which advocates the overthrów of the government of the United States by force or violence. This loyalty oath shall expire after a period of 5

years and may not be renewed;

- has graduated from an approved high school or has demonstrated equivalent competency as determined by an examination approved by the Department;
- 4. has completed the required approved professional nursing program of not less than two years in an approved school and has graduated from the school; and
- 5. has passed an examination conducted by the Department to determine his fitness to receive a certificate as a registered professional nurse. As amended by act approved Sept. 7, 1967. In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration.
- Sec. 9. [Licensed practical nurse—Qualifications.] A person shall be qualified to receive a certificate as a licensed practical nurse if he:
 - 1. is at least 18 years of age;
- 2. is of good moral character and temperate habits, a citizen of the United States or has made a declaration of intention to become a citizen and files a petition for naturalization within 90 days after becoming eligible to do so or, if not eligible for naturalization under the Naturalization Act, has taken and filed with the Department the oath required by Section 8 of this Act;
- 3. has completed a 2 year course of study in an approved high school or has demonstrated equivalent competency as determined by an examination approved by the Department;
- 4. has completed the educational program prescribed by the Department in an approved

school of practical nursing; and

- 5. has passed an examination conducted by the Department to determine his fitness to receive a certificate as a licensed practical nurse. As amended by act approved Sept. 7, 1967. In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration.
- Sec. 9.1. [Practicing practical nurses—Conditions for receipt of certificate.] A person who has practiced practical nursing in this State at least 3 years within the 5 year period immediately preceding the effective date of this Act shall be qualified to receive a certificate as a licensed practical nurse if he:
- 1. files with the Department an application between January 1, 1966 and July 1, 1967, satisfactory in form and substance to the Department; and
- 2. has the endorsement of one physician licensed in Illinois, and one registered nurse licensed in Illinois or exempt from licensure under paragraph 1 of Section 2, who have personal knowledge of the applicant's qualifications, and 2 persons who have employed the applicant; and
- 3. passes an examination given by the Department. Added by act approved Aug. 10, 1965.
- Sec. 9.2. [Certificate holders—Effect of 1965 act.] A certificate to practice as a practical nurse issued by the Department and valid on the effective date of this amendatory Act of 1965 shall not be rendered invalid by the enactment of this amendatory Act of 1965. Added by act approved Aug. 10, 1965.

desires to obtain a certificate of registration as a registered professional nurse or as a licensed practical nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

Sec. 11. [Examinations.] The Department shall hold examinations of applicants for certificates of registration as registered professional nurses or for certificates of registration as licensed practical nurses at such times and places as it may determine. The examination of applicants for certificates of registration may include both practical demonstrations and written and oral tests and shall embrace respectively the subjects taught in schools of professional nursing or in schools of practical nursing approved by the Department.

If an applicant neglects, fails or refuses to take an examination for registration under this Act within 3 years after filing his application, the fee paid by the applicant shall be forfeited to the Department and the application denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee. As amended by act approved May 15, 1969.

Sec. 12 [Certificate of registration.] The Department shall issue a certificate of registration as a registered professional nurse or a certificate of registration as a licensed practical nurse to any applicant having the requisite qualifications and complying with the provisions of this Act. Any certificate of registration heretofore issued under the laws of this State and continued in force or subject to

restoration within two years after honorable termination of military service with the United States when it has expired during such service, authorizing its holder to practice nursing as a registered professional nurse, shall serve the same purpose as the certificate of registration as a registered professional nurse as provided for by this Act.

Sec. 13. [Annual renewal of certificate—Expiration.] Every registered professional nurse and licensed practical nurse who continues in active practice shall annually, on or before April 1, renew his or her certificate and pay the required fee. Every certificate of registration as a registered professional nurse or as a licensed practical nurse which has not been renewed before May 1 in any year, shall expire on that date.

Sec. 14. [Reinstatement or restoration of certificate—Inactive status.] A registered professional nurse or licensed practical nurse whose certificate has expired for not more than 5 years may have it reinstated upon payment of all lapsed renewal fees and the required reinstatement fee.

Any registered professional nurse or licensed practical nurse whose certificate has expired for more than 5 years may have it restored only by paying the required fee, by providing the Department a satisfactory explanation for such failure to renew and, in the discretion of the Department, by passing a satisfactory examination conducted by the Department to determine his fitness to have it restored.

Any registered professional nurse or licensed practical nurse whose certificate has expired while he was engaged in the military service of the United States may have it restored within 2 years following honorable discharge by paying only the current renewal fee.

Any nurse who notifies the Department in writing that he elects to be on inactive status, shall, subject to the rules of the Department, be excused from payment of renewal fees until he notifies the Department in writing of his desire to resume active status and remits the renewal fee for the current annual period. During the period of inactive status, such nurse shall, for the purpose of practicing professional or practical nursing in this State, be deemed to be without a certificate and may not practice professional or practical nursing within Illinois. As amended by act approved July 2, 1965.

- Sec. 15. [Refusal, suspension or revocation of certificate—Grounds—Persons in need of mental treatment.] The Department may refuse to issue, may refuse to renew, may suspend or may revoke any certificate as a registered professional nurse or as a licensed practical nurse or otherwise discipline a holder of a certificate upon proof that the person:
- 1. Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;
 - 2. Is guilty of gross immorality;
- 3. Has been convicted in this or another State of any crime which is a felony under the laws of this State or has been convicted of a felony in a federal court; if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;
- 4. Is unfit or incompetent by reason of gross negligence;
- 5. Is habitually intemperate or intoxicated or is addicted to the use of habit-forming

drugs;

6. Engages in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

7. Has failed to file a petition for naturalization within 90 days after becoming eligible to do so; or, if a petition has been filed, to become a citizen of the United States under the Naturalization Act within 90 days thereafter or, if not eligible for naturalization under the Naturalization Act, failure to take and file with the Department the oath set out in Section 8 of this Act; or

8. Has wilfully or repeatedly violated any of the provisions of this Act.

The entry of a decree by any circuit court establishing that any person holding a certificate under this Act is a person in need of mental treatment operates as a suspension of his certificate. That person may resume his practice only upon a finding by the Committee that he has been determined to be recovered from mental illness by the court and upon the Committee's recommendation to the Director that he be permitted to resume his practice. As amended by act approved May 5, 1967.

Sec. 15.1. [Actions based on charges of unethical or unprofessional conduct—Counsel and witnesses.] No action of a disciplinary nature which is predicated on charges alleging unethical or unprofessional conduct of a person who is a registered professional nurse or a licensed practical nurse and which can be reasonably expected to affect adversely that person's maintenance of his present, or his securing of future, employment as such a nurse may be taken by the Department, by any association or by any person unless the person against

whom such charges are made is afforded the right to be represented by legal counsel of his choosing and to present any witness, whether an attorney or otherwise to testify on matters relevant to such charges. Added by act approved Aug. 10, 1965.

Sec. 16. [Manner of revocation or suspension.] Certificates may be revoked or suspended only in the manner provided by Section 60b through 60h inclusive of "The Civil Administrative Code of Illinois" approved March 7, 1917 as amended.

Sec. 16.1 The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefore of one dollar per page for each original transcript and fifty cents per page for each carbon copy thereof ordered with the original: Provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be fifty cents per page for each carbon copy.

Sec. 17. [Judicial review of administrative decisions.] All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8,

1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

- Sec. 18. [Deposit of costs for certification of record or file.] The Department shall not be required to certify any record to the Court or file any answer in Court or otherwise appear in any Court in a Judicial review proceeding, unless there is filed in the Court with the Complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record which costs shall be computed at the rate of 20 cents per page of such record. Exhibit shall be certified without cost. Failure on the part of the plaintiff to file such receipt in Court shall be grounds for dismissal of the action.
- Sec. 19. [Order of revocation or suspension as prima facie evidence.] An order of revocation or suspension, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director shall be prima facie evidence that:
- 1. such signature is the genuine signature of the Director;
- 2. that such Director is duly appointed and qualified:
- 3. that the Committee and the members thereof are qualified to act.
- Sec. 20. Repealed by act approved Aug. 24, 1965.
- Sec. 21. [Nurses licensed in other states or countries—Grant of certificate.] Upon payment of the required fee, an applicant who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or of a foreign

country or province, may, without examination, be granted a certificate of registration as a registered professional nurse, or as a licensed practical nurse by the Department:

- 1. whenever the requirements of such state, territory, country or province were at the date of license substantially equal to the requirements then in force in this State; and with respect to practical nursing, if prior to the enactment of this Act, the requirements of this Act at the time of its enactment: or
- 2. whenever such requirements of another jurisdiction together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as a registered professional nurse in such jurisdiction are substantially equal to the requirements in force in Illinois at the time of application for registration as a registered nurse in Illinois; and
- 3. if he or she is a citizen of the United States or has made a declaration of intention to become a citizen, and shall file a petition for naturalization within 90 days after becoming eligible to do so or if not eligible for naturalization under the Naturalization Act, if he or she has taken and filed with the Department the oath set out in Section 8 of this Act. As amended by act approved Aug. 2, 1965.
- **Sec. 22.** [Fees.] 1. The fee for an examination to determine an applicant's fitness to receive a certificate of registration: as a registered professional nurse is \$25, and as a licensed practical nurse is \$15. No further fee shall be charged for issuing the certificate of registration.
- 2. The fee is to be paid for the renewal of a certificate of registration as a registered professional nurse or as a licensed practical nurse

is \$5.

- 3. A registered professional nurse or a licensed practical nurse under this or any prior Act who actively practices nursing in a foreign jurisdiction and pays to it the required fee for a certificate of renewal thereof authorizing the practice of nursing therein shall not be required to pay an annual fee in Illinois to renew his or her certificate of registration nor shall paragraphs 5 and 6 of this Section apply during the time for which such fee is paid to a foreign jursidiction.
- 4. An applicant who is registered or licensed under the laws of another jurisdiction shall pay for a certificate of registration: as a registered professional nurse \$25.00; and as a licensed practical nurse \$15.
- 5. The fee to be paid for the reinstatement of a certificate of registration which has expired not more than 5 years is \$5 plus all lapsed renewal fees.
- 6. The fee to be paid for the restoration of a certificate of registration which has expired for more than 5 years is: for a registered professional nurse \$30; and for a licensed practical nurse \$30.
- 7. The fee to be paid for an examination to determine preliminary education is \$5. As amended by act approved July 15, 1963.
- Sec. 23. [Offenses—Punishment.] No person shall:
- Practice professional nursing without a valid certificate as a registered professional nurse;
- 2. Practice practical nursing without a valid certificate as a licensed practical nurse; or practice practical nursing other than under the direction of a licensed physician, licensed dentist, or registered professional nurse;

- 3. Practice nursing under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;
- 4. Practice professional nursing or practical nursing during the time his license is suspended or revoked or on inactive status;
- 5. Use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that he is a registered professional nurse, including the titles or initials, "Registered Nurse", "Professional Nurse", "Registered Professional Nurse" "Certified Nurse", "Trained Nurse", "Graduate Nurse", "P.N.", "R.N.", or "R.P.N." or similar titles or initials with intention of indicating practice without a valid certificate as a registered professional nurse:
- 6. Use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that he is a licensed practical nurse, including the titles or initials "Practical Nurse", "Licensed Practical Nurse", "P.N." or "L.P.N.", or similar titles or initials, with intention of indicating practice as a licensed practical nurse without a valid certificate as a licensed practical nurse under this Act;
- 7. Obtain or furnish a certificate, by or for money or any other thing of value other than the fees required by Section 22 or by any fraudulent representation or act;
- 8. Make any wilfully false oath or affirmation required by this Act;
- 9. Conduct a school of professional or practical nursing unless the school has been approved by the Department under the provisions of this Act;
- 10. Represent that any school or course is approved or accredited as a school or course

for the training of registered professional nurses or licensed practical nurses unless such school or course is approved by the Department under the provisions of this Act;

11. Attempt or offer to do any of the acts enumerated in this Section, or aid, abet, assist in the doing of any such acts or in the attempt or offer to do any of such acts;

12. Otherwise violate any provision of this Act.

Any person, including a firm, association or corporation who violates any provision of this Section shall be fined not less than \$50 nor more than \$1,000 or imprisoned in a penal institution other than a penitentiary for not more than one year, or both, for each offense. As amended by act approved Sept. 7, 1967.

Sec. 23.1. Repealed by act approved Aug. 10, 1965.

Sec. 23.2. [Resident schools of practical nurses—Discontinuance of registration and regulation under act concerning vocational schools.] Until December 31, 1968 but not thereafter every resident school of practical nursing which shall have been in continuous operation by conducting resident classroom instruction from February 1, 1962 until the effective date of this amendatory Act of 1965 under a certificate of registration issued by the Department under "An Act defining and providing for the registration and regulation of vocational schools and classes and the registration solicitors of such schools, conferring powers, and imposing duties on the Department of Registration and Education, and prescribing penalties, and to repeal an Act herein named as heretofore and hereafter amended, shall continue to be registered and regulated under and in compliance with the terms of that Act. Added by act approved Aug. 10, 1965.

- Sec. 23.3. [Persons completing course under preceding section—Qualification for practical nurse license.] Until December 31, 1968, a person who has completed the required program in practical nursing under the provisions of Section 23.2 of this Act, as amended, and in addition, after the completion of such required program, has had not less than 18 months of substantially full time clinical experience in any licensed hospital and/ or licensed nursing home in the State of Illinois. which clinical experience shall be verified by the affidavits of one physician licensed in Illinois and one registered nurse licensed in Illinois, who have personal knowledge of the applicant's qualifications, and has passed an examination conducted by the Department under this Act shall be qualified to receive a certificate as a licensed practical nurse. Added by act approved Aug. 10. 1965
- Sec. 23.4. [Correspondence schools for practical nurses—Discontinuance.] No correspondence school offering courses in practical nursing shall be licensed or have an existing license renewal after the effective date of this amendatory Act of 1965. Nothing herein contained shall prohibit any correspondence school from completing service to those students who have enrolled as a result of advertising placed prior to the expiration date of the school's existing license. Added by act approved Aug. 10, 1965.
- Sec. 24. [Practice without certificate declared public nuisance—Injunction.] The practice of professional nursing by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked or expired, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Edu-

cation may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration whose certificate of registration has been suspended or revoked or expired, from practicing professional nursing; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing professional nursing without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked or expired, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing professional nursing. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or practicing professional nursing having been issued a certificate of registration or has been or is practicing professional nursing after his certificate of registration has been suspended or revoked, or expired, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing professional nursing. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

Sec. 25. [Partial invalidity.] If any portion of

this Act is held invalid, such invalidity shall not affect any other part of this Act which can be given effect without the invalid portion.

Sec. 26. [Public Policy] It is declared to be the public policy of this state, Pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act. This amendatory Act takes effect upon its becoming a law.